

225-7

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-2011-2022

Date of decision:21.09.2023

SHRIDHAR PRASAD

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Pradeep Parkash Chahar, Sr. DAG, Haryana and
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Shivam Garg, Advocate for HSVP.

SURESHWAR THAKUR, J. (ORAL)

1. Learned counsel for the petitioner, seeks, and, is granted permission to withdraw the instant petition.
2. Dismissed as withdrawn.
3. In so far as the claim raised in the instant petition for quashing of the acquisition proceedings is concerned, the said claim is strived to be re-raised before this Court, given the said claim becoming earlier raised in CWP-7076-2008, and, becoming declined through an order made thereon, on 05.03.2021.

4. Be that as it may, the decision made (supra), also reserved liberty to the present petitioner to claim release of his acquired estate, thus through his making a motion before the respondent concerned.

5. Though, the learned counsel for the petitioner argues, that the parameters of essentiality, and, unviability of retention of the petitioner's land is available to be recoured. However, since it is revealed on the reply on affidavit, that the landloser's estate is required for facilitating the public purpose. Therefore, since the public purpose is to be assigned predominance over individual's interest. Resultantly, the writ claim relating to the petitioner's estate becoming released from acquisition is not liable to be accepted.

6. Be that as it may, the learned counsel for the petitioners argues, that the acquired lands of the present petitioners are unessential, and, unviable for retention for the public purpose. He makes the above argument on the ground, that the acquired estates of other landowners concerned, became released from acquisition, and, thereby to ensure the petitioners being meted parity therewith, thus the respondent concerned, be directed to also exempt or release the petitioners' estates from acquisition.

7. The above raised argument is meritless, as a perusal of the reply on affidavit furnished to the writ petition declares, that the retention of the disputed lands, is essential as well as viable, as thereby the relevant public purpose would be furthered, and/or, may be completely facilitated. Since predominance is to be assigned to public purpose, than to individualistic selfish interests of a landloser concerned.

8. Even otherwise, the above view is supported by the judgment made by this Court in CWP-15175-2023, titled '*The Press Employees and*

Friends Co-operative Group Housing Society Ltd. V. State of Haryana and others'.

9. The effect of declining order being made, upon the petitioner's earlier claim, thus challenging the issuance of relevant notifications, is that, thereupon but the acquisition proceedings becoming validated. Resultantly when thereby there is a declaration of title over the disputed lands in the Acquiring Authority concerned. Therefore, the declaration of title as made by this Court vis-a-vis the respondent, thus earlier through its upholding the launching of the acquisition proceedings vis-a-vis disputed lands, would in the event of this Court, yet ordering for releases or exemptions of the disputed lands, to the landloser concerned, rather tantamount to this Court usurping the validity bestowed title over the disputed lands, in the Acquiring Authority concerned.

10. Hence the instant petition in so far as this claim is dismissed with costs of Rs.50,000/- to be forthwith deposited by the petitioners with the '**Himachal Pradesh Aapada Raahat Kosh – 2023**' for mitigating the natural disaster in the State concerned.

(SURESHWAR THAKUR)
JUDGE

21.09.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No