

225-16

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

CWP-4768-2022

Date of decision:21.09.2023

BALJIT SINGH AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Sandeep Sharma, Advocate
for the petitioners.

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. The claim made in the writ petition relates to a mandamus being made, upon the respondent concerned, to in terms of the policy drawn on 14.09.2018 (Annexure P-13), thus to release the landloser's estate.
2. The above raised claim is grooved in the factum, that the respondent concerned, has in respect of similarly situated estates of the landloser's concerned, thus, proceeded to exempt or release their lands from acquisition.

3. Moreover, the said relief as is planked, upon the policy (supra), the said relief cannot be granted to the petitioner, as the learned State counsel has in CWP-14077-2022, placed on record a communication addressed to the office of Advocate General, Haryana by the Financial Commissioner, Revenue and Addl. Chief Secretary to the Government of Haryana, Revenue and Disaster Management, wherein, there occurs a speaking that the said policy is under active consideration for its withdrawal being made.

4. 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.

5. 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.

6. The writ petitioner also seeks the making of a mandamus, upon, the respondent concerned, to in terms of the provisions of Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, as became inserted through Haryana Act No.21 of 2018, thus release the acquired estates from acquisition.

7. The above made argument is not well founded, upon any pleadings being raised in the instant writ petition. Therefore, at the outset for want of apposite pleadings, and, but obviously for want of any material supportive to the said pleadings, rather no conclusion can be made, that the writ lands are either unviable or unessential for facilitating the relevant public purpose.

8. Be that as it may, it is reflected in the reply on affidavit furnished to the writ petition, that the writ lands are an integral, and, insegregable component for thus facilitating the public purpose for which they became acquired. If so, the apposite contemplation, as made by the respondent concerned, thus for retention of the writ lands, does not require any interference being made by this Court, as the public purpose for which they are required to be retained, does squarely fall within the objective contemplation of the respondent concerned. The said objective contemplation as made by the respondent, if was ill made, thereupon thus required some cogent material suggestive, that the said contemplation is falsely made or arose, from some collusion inter-se the respondent concerned, and, those landowners concerned, whose estates became released from acquisition.

9. Consequently, in the face of the above, the purported discrimination, as alleged by the present petitioners to become practiced by the respondent concerned, inasmuch as, the latter proceeding to release the acquired estates of other landowners, whereas, theirs declining to release the present petitioners' estates, does thereby lose its vigor.

10. Therefore, in the wake of what has been stated above, by this Court does not find any merit in the instant writ petition, and, is inclined to

dismiss it. Consequently, the instant petition is dismissed with costs of

Rs.50,000/- upon each of the petitioners, 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