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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-10571-2023

Date of decision:10.08.2023

ISHWARI DEVI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Kunal Dawar, Advocate and  
Mr. Jagjot Singh, Advocate for the petitioner.

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**SURESHWAR THAKUR, J. (ORAL)**

1. Notice of motion.
2. Mr. Ankur Mittal, Addl. AG Haryana with Mr. Saurabh Mago, DAG, Haryana, waive service of notice on behalf of respondents No.1 to 5. Mr. Ankur Mittal, Advocate, Ms. Kushaldeep K. Manchanda, Advocate and Mr. Shivam Garg, Advocates waive service of notice on behalf of respondents No.6 and 7.
3. Written statement on affidavit to the petition has been instituted on behalf of respondents No.6 and 7, which is taken on record.
4. The petitioner claims, that in terms of Section 101A of the Right to Fair Compensation and Transparency in lands Acquisition, Rehabilitation and Resettlement Act, 2013, as became inserted therein, through an amendment being made by the State of Haryana in the year 2018, and, which was made to apply retrospectively from the year 2014, qua thus the petition lands are both unviable and also unessential for furthering the requisite public purpose. In the

above regard she has made a representation (Annexure P-8) and espouse for a mandamus being made upon the concerned, to make thereon a lawful decision.

5. However, it is apparent on a reading of the averments made in the writ petition, that the acquisition proceedings in respect of the acquired lands became launched under the Land Acquisition Act, 1894, and, terminated through an award being pronounced in the year 2006. Therefore, but obviously on termination of the acquisition proceedings, thus the possession, if any, over the acquired lands, rather of the petitioner but obviously is impermissible, as after the launching(s) of the acquisition proceedings, there is complete divestment of right, title and interest over the petition lands of the petitioner, rather contrarily there is complete vestment of right, title and interest over the acquired lands in the Acquiring Authority concerned.

6. Be that as it may, on the premise of lands thus purportedly adjoining the acquired lands, hence becoming released from acquisition, hence, an argument is erected today before this Court, that in case the petitioner's land, is yet not released from acquisition thereby, there would be breach of the principle of non-discrimination, rather would tantamount to arbitrariness, and, capriciousness.

7. However, it is submitted by the learned State counsel, on instructions imparted to him by the official concerned, that prior to the launching of the instant proceedings before this Court, a representation was moved before the authority concerned, but the above representation has been rejected through a speaking decision, as become made thereon, through, Annexure R-1, as appended to the reply to the writ petition. Paragraph 5 of the said speaking order, paragraph whereof stands extracted hereafter, does candidly unveil, that the petitioner's land is both essential, and, viable for further public purpose concerned.

*“5. DTP Rewari has reported that the land of petitioner bearing Khasra No.7//21/2/1, having an area one Kanal in the revenue estate of village Dhaliawas falls in Sector-18, Rewari. As per approved Demarcation Plan bearing drawing no.DTP(RE) 515/2008 dated 18.07.2008, the land of petitioners affects the widening of sector dividing road to be widening 45 meter wide, 12 mts wide service road and old age home site. As per site, the petitioner has constructed one room and no., shop at site having a covered area of 37 sq. yard, out of total area 1 Kanal in Sector-18, Rewari.”*

8. Therefore, if the lands purportedly adjoining the acquired lands, in the instant petition, thus became released, thereby those lands became released on a well founded reason. Significantly, since the thereafter extracted paragraph, details the necessity of the retention of the acquired lands, thus for the furthering of the requisite public purpose. Consequently, it cannot be argued by the learned counsel for the petitioner, that the acquired lands rather are non-essential or unviable for facilitating the public purpose. Additionally since the said annexure R-1 has remained unchallenged in the instant writ petition, rather when the petitioner has reared a fresh representation, therefore for non challenge to annexure R-1 at the instance of the petitioner, the said annexure acquires conclusive, and, binding force.

9. In consequence, it would a needless exercise to yet direct the respondents concerned, to make a speaking decision upon the subsequently instituted representation, and, as becomes enclosed in Annexure P-8.

10. This Court finds no merit in the instant petition, as such the same is dismissed.

**(SURESHWAR THAKUR)**  
**JUDGE**

**10.08.2023**

Ithlesh

**(KULDEEP TIWARI)**  
**JUDGE**

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