

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-18881-CWP-2022 in/and
CWP-8814-2007 (O&M)
Date of Decision: 19.01.2023

Gram Panchayat, Gharauli Khurd and others

.....Petitioners

Vs.

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Shailendra Jain, Senior Advocate, with
Mr. Jagtar Singh, Advocate,
for the petitioners.

Mr. Padam Kant Dwivedi, Advocate,
for the applicant (in CM-18881-CWP-2022).

Mr. Mohit Jasuja, Advocate, for
Mr. Shivoy Dhir, Sr. Standing Counsel,
for respondents No. 1 and 2.

Mr. Ankur Mittal, Addl, A.G., Haryana, with
Mr. Saurabh Mago, A.A.G., Haryana and
Ms. Kushaldeep Kaur, Advocate,
for respondents No. 3, 4, 5 and 7.

Mr. P.S. Chaudhan, Advocate,
for respondent No. 6.

G.S.SANDHAWALIA, J. (ORAL)

CM-18881-CWP-2022

The application has been filed under Order 1 Rule 10 read
with Section 151 of the Code of Civil Procedure, 1908, for substitution of
petitioners No. 1 to 3, on the ground that Villages, Gharauli Khurd,
Mohammadpur Jharsa and Harsaru have come within the Municipal Limits

of Gurugram and the Gram Panchayats have merged in the applicant-proposed petitioner.

Notice in the application.

Mr. Mohit Jasuja, Advocate, for Mr. Shivoy Dhir, Sr. Standing Counsel, appears and accepts notice on behalf of respondents No. 1 and 2, Mr. Ankur Mittal, Addl. A.G., Haryana, with Mr. Saurabh Mago, A.A.G., Haryana and Ms. Kushaldeep Kaur, Advocate, accepts notice on behalf of respondents No. 3, 4, 5 and 7 and Mr. P.S. Chaudhan, Advocate, accepts notice on behalf of respondent No. 6-HSIIDC.

The application is duly supported by an affidavit of the District Revenue Officer, Municipal Corporation, Gurugram.

In view of the above and the averments made in the application, the same is allowed and the applicant Municipal Corporation, Gurugram, through its Commissioner, is substituted as petitioner No. 1 in place of petitioners No. 1 to 3. The amended memo of parties is ordered to be taken on record.

CWP-8814-2007 (O&M)

The writ petition was filed through the Gram Panchayat of the three said villages who were arraigned as petitioners No. 1 to 3. Petitioners No. 4 to 8 are individuals. The challenge in the writ petition is because of the acquisition proceedings initiated vide notification dated 29.01.2003 and 28.01.2004 (Annexures P-1 and P-2,) under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894. It has also been averred that the Award was announced on 27.01.2006. The writ petition was also titled as a Public Interest Litigation. The challenge was regarding the transfer of the land in

question to respondents No. 8 and 9, who are Reliance Ventures Limited and Reliance Haryana SEZ Limited.

Vide an additional affidavit of Usha Kiran, Senior Town Planner, Haryana State Industrial & Infrastructure Development Corporation Limited, placed on record vide CM-20209-CWP-2022, it has been mentioned that on account of some developments/events, the Memorandum of Understanding dated 12.12.2005 was signed with the private respondents. Thereafter, a conveyance deed was executed on 26.04.2007 in favour of Reliance Haryana SEZ Ltd and land measuring 1383.68 acre was transferred to the said company. The same thereafter was shelved in the year 2014 and the conveyance deed of the land was executed in favour of the Corporation on 29.08.2014 by the Reliance Haryana SEZ Ltd. and the land had reverted to HSIIDC. It is further admitted that there was a joint venture of the Corporation with the Delhi Mumbai Industrial Corridor Corporation (DMICDC). It has further been averred that the due to several contentious issues, the project could not take off and it was decided to cancel the joint venture agreement. The implementation of the Global City project now is being done by the Corporation and the issue regarding the transfer of land to Reliance Haryana SEZ has become redundant. The status of position, land compensation and payment of annuity of the petitioners is detailed as under:-

Sr. No.	Petitioner & Name of Village	Details of land under acquisition	Status of payment of Compensation/Enhanced Compensation	Status of payment of Annuity	Status of Possession
1	Gram Panchayat Gharauli Khurd, through	42(2-14)	Not lifted	Not paid as documents not submitted	Land in possession of HSIIDC vide Rapat
		45/2(37-14)			
		46(41-5)			

	Raghunath Singh S/o Har Lal (Petitioner No.1) (Gharauli Khurd) Now Municipal Corporation	52(4-6)			Roznamcha No.319 dated 27.01.2006
		53(10-10)			
		345/2(1-18)			
		346(0-10)			
		348(0-10)			
		349(0-13)			
		352(0-17)			
		353(2-0)			
		354(4-10)			
		355(0-13)			
		356(1-0)			
		357(0-14)			
		358(1-19)			
		359(3-3)			
		360(0-10)			
		361(0-11)			
		366(4-3)			
		367(0-10)			
		Total:15.0625 Acre			
2	Gram Panchayat Mohammadpur Jharsa, through Har Kishan S/o Sh. Umed Singh (Petitioner No.2) Now Municipal Corporation	25//2/1(0-8)	Lifted Rs.65,51,895/- Cheque No.55216 dated 03.04.2006 and Rs.4,20,187/- Cheque No.552086 dated 03.04.2006 (Not lifted for some area)	Not paid as documents not submitted	Land in possession of HSIIDC vide Rapat Roznamcha No.523 dated 27.01.2006
		25//2/2/1(0-8)			
		25//8/2/2(0-2.4)			
		9/3(0-2.4)			
		9/2/1(0-9-0)			
		9/2/2(0-11.0)			
		Total:0.256 Acre			
		25//15/2/2(1-7)			
		12//25/2/1(0-3)			
		89//15(8-0)			
		16(8-0)			
		Total:16K-0M			
3	Gram Panchayat Harsaru, through Yashbir Singh	89//25(8-0)	Lifted Rs.1,05,82,500/- Cheque No.561929 dated 25.05.2006 and Rs.2,03,99,844/- Cheque No.327581 dated	Not paid as documents not submitted	Land in possession of HSIIDC vide Rapat Roznamcha
		90//11/1(2-0)			
		161(6-16)			
		166(8-0)			

	S/o Sh. Parhlad Singh (Petitioner No.3) Now Municipal Corporation	167(8-0)	15.02.2006 (Not lifted for some area)		No.317 dated 27.01.2006
		171(8-0)			
		Total:40K-16M			
		148(18-6)			
		149(2-0)			
		150(5-17)			
		151(1-3)			
		152(17-3)			
		153(15-10)			
		154(14-1)			
		155(1-18)			
		156(2-15)			
		Total:78K-13M			
		165//1(16-0)			
4	Gopi Chand, S/o Sh. Bikhu Ram, R/o Village Narsinghpur (Petitioner No.4-expired)	No land under acquisition	Land not under acquisition.	Land not under acquisition	Land not under acquisition
5	Yashbir Singh, S/o Sh. Parhlad Singh, R/o village Harsaru (Petitioner No.5)	69//1/1/2(3-16)	Lifted Rs.25,66,948/- Cheque No.347655 dated 17.03.2006 Lifted Enhanced compensation of Rs.1,48,13,870/-.	Lifted the annuity amount of Rs.7,71,204/- upto the year 2021	Land in possession of HSIIDC vide Rapat Roznamcha No.317 dated 27.01.2006 (Nos.103//12/1 (2-16) released pursuant to order dated 01.05.2013 passed by the Hon’ble High Court in CWP No.18446 of 2011 Review application (CM No.6347-CWP-2014) filed by the State Govt. against the order dated
		69//1/2(0-3)			
		69//2/2(3-7)			
		113//16(8-0)			
		113//25/2(7-12)			
		114//11/2(7-19)			
		114//12(8-0)			
		114//13(8-0)			
		127//5(4-10)			
		Total: 2.355 Acre Co-sharers 02 Nos.			
		103//12/1(2-16)	Not lifted	Not lifted	

					01.05.2013 is pending before this court.
6	Hari Kishan S/o Umed Singh, R/o Village Mohammadpur Jharsa (Petitioner No.6-expired)	124//3(8-0)	Lifted Rs.25,93,750/- Cheque No.565293 dated 17.02.2006.	Lifted Rs.24,97,045/- upto the year 2020	Land in possession of HSIIDC vide Rapat Roznamcha No.523 dated 27.01.2006
		124//4(8-0)			
		124//5(8-0)	Lifted Enhanced Compensation of Rs.1,29,44,493/-		
		124//6(8-0)			
		124//7(8-0)			
		Total:40K-0M			
		Co-sharer 04 Nos.			
		116//17(8-0)			
		116//18/1(3-7)			
		116//20(8-0)			
		116//22(8-0)			
		116//23/2(4-13)			
		124//2(8-0)			
		124//8(8-0)			
		124//9(8-0)			
Total:56K-0M					
Co-sharer 02 Nos.					
7	Raghunath Singh S/o Sh. Har Lal, R/o Village Gharauli Khurd (Petitioner No.7)	25//16/1(3-12)	Lifted Rs.2,12,68,750/- Cheque No.522035 dated 27.03.2006	Lifted Rs.61,16,010/- upto the year 2021	Land in possession of HSIIDC vide Rapat Roznamcha No.319 dated 27.01.2006 (Land was under litigation in CWP No.12823 of 2014, which has been dismissed as withdrawn vide order dated 03.02.2022)
		25//16/2(2-15)			
		25//17/1(1-11)	Lifted Enhanced Compensation of Rs.13,44,44,356/-		
		25//17/2(2-16)			
		25//17/3(3-4)	(Not lifted for area measuring 8.525 acre)		
		25//24/1(5-7)			
		25//25/1(1-10)			
		26//13(7-19)			
		26//14(2-10)			
		26//17(3-8)			
		26//18(8-0)			
		26//19(4-0)			
		26//20(3-10)			
		26//27(18-12)			
		Total:8.525 Acre			

		21//21/1/2(1-10)			
		22//17/2(3-18)			
		22//24/1(7-0)			
		23//4(8-0)			
		5(8-0)			
		24//1/2(3-2)			
		2/1/2(0-14)			
		2/2(6-4)			
		10/2(4-18)			
		25//25/2(3-5)			
		25/3(2-6)			
		26//9(5-2)			
		11/3/2(1-6)			
		21(4-6)			
		24/2(1-14)			
		25(8-0)			
		28(0-11)			
		30//1/1(4-13)			
		5/2(4-8)			
		5/1(3-1)			
		5/3(0-12)			
		Total: 10.25 Acre			
8	Narain Singh S/o Sh. Devi Singh, R/o Village Khandsa (Petitioner No.8)	66(1-9-0)	Not lifted	Not lifted	The land is under litigation. SLP filed by HSIIDC vide Diary No.7435 of 2017, which is pending and the Hon’ble Supreme Court vide order dated 03.07.2017 has directed to maintain status quo with regard to property in question.
		67(0-6-0)			
		68(5-16-0)			
		69(7-16-0)			
		102(1-5-10)			
		113(1-10-4)			
		Total:10.088 Acre co-sharer 02 Nos.			

					Land in possession of HSIIDC vide Rapat Roznamcha No.521 dated 27.01.2006.
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The layout plan of the Global City Project has also been annexed as Annexure R/6/3. It has been further mentioned that Award for compensation for total 1590 acres of land was pronounced comprising 2632 landowners and 1909 landowners have taken the compensation amount. Supplementary Award of ₹376.23 crores has been announced and ₹286.196 crores has also been disbursed/lifted by the ex-landowners. Sum of ₹1831.46 crores has thus been paid on account of enhanced compensation which was taken after the Apex Court and total amount of ₹2117.656 crores has been incurred by the Corporation. Annuity of ₹61.16 crores is also being paid to the ex-landowners from 2006 to 2021 under the Resettlement and Rehabilitation Policy and also 125 Regular Letter of Allotments had been also done in favour of the eligible applicants of the plot.

Mr. Shailendra Jain, Senior Advocate, with Mr. Jagtar Singh, Advocate, appearing for the original writ petitioners, has submitted that he has no instructions for petitioners No. 4 to 8 also. Apparently since the constitution of the first three original Gram Panchayts has now undergone a change who are now represented by Mr. Padam Kant Dwivedi, whose application has been allowed, the authority of the original counsel also does not survive.

In such circumstances, keeping in view the subsequent developments, the cause of action as such which had accrued does not exist any longer and the present petition has become infructuous. Apart from the fact that the original counsel has stated that he has no instructions and the subsequent counsel has stated that the cause of action no longer subsists.

Accordingly, the petition is dismissed as such.

Pending miscellaneous application, if any, stand also disposed of.

(G.S. SANDHAWALIA)
JUDGE

January 19, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No