

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-11491-2023

Date of Decision: 26.05.2023

AMIT

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Kshitij Sharma, Advocate
for the petitioner.

Mr. Saurabh Mago, DAG Haryana.

Mr. Ankur Mittal, Advocate with
Mr. Kushaldeep K. Manchanda, Advocate,
for respondents No.2 and 3-HSVP.

LISA GILL, J.(Oral)

1. Petitioner is aggrieved of notice dated 05.05.2023
(Annexure P-10) seeking auction of the land of which he claims to be
the owner.

2. Admittedly, the land in question had been acquired in
proceedings under the Land Acquisition Act, 1894, which culminated
in award No.20, dated 22.11.2006. CWP No.29920 of 2018 filed by
the petitioner seeking release of his land under Section 24(2) of the
Right to Fair Compensation and Transparency in Land Acquisition
Rehabilitation and Resettlement Act 2013 (for short, 'the Act of
2013') was adjourned sine-die to await decision of the Hon'ble
Supreme Court on the issue. In the meanwhile, petitioner purportedly
submitted applications under Section 101-A of 2013 Act (Annexures

P-8 and P-11). It is submitted that without decision of the said application, auction notice has incorrectly been issued in an unjustified manner.

3. Learned counsel for the respondents on instructions from Chief Administrator, HSVP states that for the time being impugned auction notice dated 05.05.2023 qua the land in question has been withdrawn for the reason that it came to notice of the authorities that part of the land qua which status quo has been granted by the High Court in CWP-410-2022 was inadvertently included in the planning of 7.5 acres to be auctioned. It is asserted that land of the petitioner is otherwise essential, necessary and viable for the purpose of acquisition.

4. In view of the fact that auction of the plot/land in question has been withdrawn, may it be for any reason, no further orders are called for at this stage. Writ petition is rendered infructuous to said extent. Needless to say we have not expressed any opinion on the issue regarding essentiality of the land or otherwise besides entitlement of the petitioner for release of land in terms of Section 101-A of 2013 Act.

5. Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

26.05.2023
Rimpal

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