

CWP-18811-2019(O&M)  
Date of decision: 09.03.2023

HARI KISHAN

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Karan Kaushal, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Yash Pal Sharma, Advocate for  
Mr. Gurpreet Randhawa, Advocate for respondent No. 6.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Learned counsel for the petitioner has approached this Court praying for issuance of writ of certiorari for quashing Memo No. LC-2949-JE-(SJ)/2019/7465 dated 11.03.2019 (Annexure P-15) vide which Director Town and Country Planning Haryana-respondent No.4 has cancelled the licence for setting up Residential Group Housing Colony on the pretext that the land is being acquired.

Learned counsel for the petitioner contends that in an earlier writ petition, which was preferred by the petitioner along with the others i.e. co-land owners being CWP No. 26512-2022, wherein the notification issued under Section 4 and Section 6 of the Land Acquisition Act 1894 was put to challenge, which writ petition was allowed by the Division Bench of this Court vide judgment/order dated 21.12.2022. With the acquisition having been set aside, the land which belongs to the petitioner along with other co-owners, stood restored to them.

Learned counsel for the petitioner submits that till date no SLP has been preferred against the said order. Learned counsel on this basis contends that

since the impugned order of cancellation of the licence i.e. the acquisition of the land having become non applicable to the case in hand with the acquisition having been set aside, the impugned order also cannot sustain.

Learned counsel for the respondents is unable to rebut the assertion as has been made by the counsel for the petitioner.

Keeping in view the above, the present writ petition is allowed, the impugned order dated 11.03.2019 (Annexure P-15) passed by the Director, Town and Country Planning, Haryana-respondent No.4 is hereby set aside.

(AUGUSTINE GEORGE MASIH)  
JUDGE

09.03.2023  
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( GURBIR SINGH)  
JUDGE

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i>  |
| <i>Whether Reportable</i>        | <i>Yes /No</i> |