

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

**COCP-1567-2022 (O&M)
Date of decision: 02.05.2023**

Gurmeet Singh and ors.

... Petitioners

Vs.

Ajoy Kumar Sinha and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naresh Kaushal, Advocate
for the petitioners.

Mr. Ajit Singh Natt, AAG, Punjab.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Divya Sharma, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioners allege violation of the order dated 02.09.2013
passed in CWP-21736-2011, which reads as under: -

*“The petitioners, who are residents of Village Saini Majra, Tehsil
and District Mohali are aggrieved by acquisition of their
residential houses/structures vide notifications dated 22.12.2010
and 25.08.2011 issued under Sections 4&6 of the Land
Acquisition Act, 1894 (in short, ‘the Act’), respectively, for the
development of IT City/Knowledge Park at SAS Nagar, Mohali.*

(2). Mr. Khosla, learned counsel for the GMADA on the basis of the recommendations dated 31.08.2013 made by the Officers' Committee states that the structures falling within the phirni of village Saini Majra along with the required open space for ventilation shall be released.

(3). The writ petition is accordingly disposed of as infructuous, however, with a direction to the respondents to release the open space which should be near to the size of the structure.

*(4). Ordered accordingly. **Dasti.**”*

Affidavit of Principal Secretary, Housing and Urban Development, Govt. of Punjab, filed in the Court today, is taken on record, in which it is stated that as per notification dated 21.04.2023, 10 structures falling along the phirni of Village Saini Majra have been exempted from acquisition and de-notification of the structures is mentioned in the aforesaid notification. It is further stated that the petitioner(s), who have received any compensation in view of award No.527 dated 13.12.2011, are liable to deposit the amount.

Similar affidavits of the Chief Administrator, GMADA, SAS Nagar as well as Land Acquisition Collector, SAS Nagar have also been filed in the Court today, in which detail of the notification dated 21.04.2023 along with area of the respective persons is described.

Learned counsel for the petitioners, at this stage, submits that he wants to re-argue the case on merits, as this Court is to decide how much area

is open space outside the house.

Since there is no such direction in the order of the writ Court, this Court is only concerned about compliance of the order dated 02.09.2013, which has already been complied with as per the aforesaid affidavits.

In view of the above, present petition is rendered as infructuous.

Liberty is granted to the petitioners to avail the alternative remedy, in accordance with law, if so advised.

02.05.2023

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No