

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-18725-2018 (O & M)

Reserved on: 09.10.2023

Pronounced on: 19.10.2023

JARNAIL SINGH AND ANR.

.....Petitioners

Versus

STATE OF PUNJAB AND ORS.

....Respondents

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

**Argued by: Mr. T.P.S.Tung, Advocate
for the petitioner(s).**

Mr. Maninder Singh, DAG, Punjab.

**Mr. R.S.Khosla, Sr. Advocate with
Ms. Shreya Singh, Advocate
for respondent - GMADA.**

SURESHWAR THAKUR, J.

1. The present petitioners make a challenge to the impugned award (Annexure P-17) drawn on 15.11.2011. The said challenge is grooved in the factum that the houses of the petitioners which are adjoining the *phirni* and were constructed in the year 1995, thereby in terms of policy/notification dated 18.02.2014 (Annexure P-7), which in clause (a) thereof, makes the hereinafter extracted expostulations, thus leaving scope of exemption(s) of houses situated close to the *phirni* of the village, rather the asked for exemption(s) being made.

“(a) As far as possible, the houses situated close to the phirni of that village shall be kept outside from the process of land acquisition. If for the development of an urban

estate e.g. sector road, sewerage line, water supply line, electricity line, the acquisition of land is essential in that event the houses thereon shall be relocated on priority basis on the land in the open area close to the phirni of that village or at some other appropriate place.”

2. Moreover, it is also stated that therein that if for the development of an urban estate example sector road, sewerage line, water supply line, electricity line, thus acquisition of the said houses is essential, thereupon, the houses on the acquired lands shall be re-located on priority basis on the land in the open area close to the *phirni* of that village or at some other appropriate place.

3. The above notification is in pursuance to direction(s) made by this Court in CWP-21263-2011 titled as Mohinder Singh Vs. State of Punjab and connected matters. Therefore, the notification (*supra*) is required to be reversed by the acquiring authority.

4. Moreover, in clause 11 thereof, the said policy has been made applicable to I.T. City, Ecocity Phase-1 and Medicity projects of GMADA. Resultantly the declining order (Annexure P-6) made on the representation of the petitioners, thus appears to be in breach of the above notification/policy (Annexure P-7).

5. Though the respondents in the reply, on affidavit, furnished to the writ petition, did strive, to validate Annexure P-6, through speaking therein, that the land of the petitioners has been acquired, but through the makings of the impugned award, thus after a dismissal verdict becoming made by this Court, upon, CWP-4034-2005, whereby the challenge as made to the said acquisition notification became rejected.

writ petition contend, that the said notification/policy (Annexure P-7) is, not applicable qua the land of the petitioners and the said relocation policy is only applicable to acquisition(s) made for IT City, Eco City Phase-1 and Medi City projects of GMADA.

7. Moreover, the respondents defend the making of Annexure P-6, besides defend the challenged award (supra), thus on the ground that the benefit of the land pooling policy, as drawn by the State of Punjab, thus becoming assigned vis-a-vis the petitioners, inasmuch as, the petitioners opting to the land pooling scheme against the acquisition of their lands, including the land falling under their houses, but resulting in the issuance of letters of intent of residential/commercial plots on 18.12.2015.

8. Furthermore, when it is also categorically spelt out in the reply, on affidavit, that compensation in respect of the acquired houses of the land losers concerned, after becoming determined also became deposited with the learned Reference Court, but yet its not being claimed for being released.

9. Therefore, since it appears that the land-losers concerned, have made a petition for enhancement of compensation, before the learned Reference Court, after their becoming aggrieved from cash compensation, as become determined earlier by the Collector concerned. Moreover, when the said determined compensation, is deposited before the learned Reference Court, and but also covers the compensation amount, vis-a-vis, their houses, which are stated to be purportedly located outside the village *phirni*, and, which are purportedly covered by notification (Annexure P-7). Therefore, the

claim anviled upon Annexure P-7.

10. Though the drawing of notification (Annexure P-7), upon which the petitioners are premising their claim for exemption of their lands from acquisition, though may be applicable to the petitioners besides may also negate the stand(s) of the respondent, that it is not applicable qua the projects (I.T. City, Eco City Phase-1 and Medi City-1) run by the GMADA. Paramountly for the reason, that the inapplicability of the policy would arise, only when the acquisitions were made for sector road, sewerage line, water supply line, electricity line. However, when the instant acquisition(s) are made for the public purpose (supra), thereupon, there is a permissibility to the acquiring authority to re-locate the acquired houses, on the lands in the open area close to the *phirni*.

11. Therefore, though, the non purveying of exemption (supra) vis-a-vis the land losers concerned, thus on the ground of Annexure P-7, being inapplicable to the petitioners, but appears to be infirm.

12. Even otherwise, the above may also become a disputed question of fact, as no cogent evidence becomes adduced, thus suggestive, that the disputed lands became covered within the notification (supra). Resultantly also thereby the benefit of Annexure P-7, thus cannot become assigned to the petitioners.

13. Moreover, since the above evidence is amiss, besides when through letters of intent (supra), rather the apposite re-locations did occur. Furthermore, when the said letters of intent but also purportedly cover the houses of the petitioners purportedly located in proximity to the *phirni*. In addition, when cash compensation in respect thereof thus

aggrieved to prefer reference petition for enhancement before the learned Reference Court concerned. Resultantly the petitioners acquiescence to the validity of the launched acquisition proceedings whereby, they became estopped to challenge them.

14. The further factum, as becomes sparked from a reading of para no. 8 of the reply, on affidavit, is that since the letters of intent (supra), have been issued to the petitioners and which have also been received by them, thereby when the petitioners have been relocated on a priority basis, on lands covered within the said letters of intent.

15. Consequently, the petitioners are estopped from seeking exemption(s) of their houses, from acquisition(s) purportedly on the ground, that they are located in proximity, to the *phirni* nor thereby relief for exemption(s) thereof, is permissible to be accorded to them, thus in terms of Annexure P-7.

Final Order of this Court.

16. In aftermath, this Court finds no merit in the writ petition, the same being completely frivolous, thus is required to be dismissed with costs.

17. Therefore, the same is dismissed with costs of Rs. 25,000/- upon each of the petitioners to be forthwith deposited by them with the Treasurer of the **“Punjab and Haryana High Court Employees Welfare Association”**.

18. The impugned award and also the impugned Annexures are maintained and affirmed.

19. Since the main case itself has been decided, thus, all the

pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

19.10.2023

(KULDEEP TIWARI)
JUDGE

kavneet singh

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