

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCp-3282-2019 (O&M)  
Date of decision: 05.10.2023

Hazara Singh

... Petitioner

Vs.

Kavita Singh, IAS, Chief Administrator, GMADA and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.D.S. Jattana, Advocate and  
Mr. Mandeep Singh Gill, Advocate for the petitioner.

Ms. Lavanya Paul, Advocate for the respondents.

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ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 24.07.2017  
passed in CWP-1403-2014, vide which following order was passed: -

*“The petitioners in the above petitions claim to be entitled to be allotted the premises in accordance with a Public Notice dated 22.11.2001 for “Re-allotment of Land to Owners of Built-up Booths on the Main Road (Mohali-Landran Road) Village Sohana, Outside Phirni”.*

*2. The matter has not crystallized as on date. This is on account of the respondents having initiated proceedings for the acquisition of land under the Land Acquisition Act, 1894. It is possible that some if not all of the petitioners may challenge the acquisition proceedings in view of the Right to Fair Compensation and Transparency in Land Acquisition,*

*Rehabilitation and Resettlement Act, 2013 and the judgement of the Supreme Court in SLP (Civil) No. 16791-2011 titled as Karnail Kaur and others Vs State of Punjab and others. We do not intend expressing any view in this regard. It is not necessary to do so either. The respondents must in the first instance inform the petitioners in writing as to whether or not they intend pursuing the proceedings for the acquisition of the land which affects them. In the event of the respondents not intending to do so, the question of the petitioners being entitled to premises under the said public notice dated 22.11.2001 would not arise. If, however, the respondents decide to continue with the acquisition proceedings each of the petitioners would have an option. They may either challenge the acquisition proceedings or not challenge the same. If they decide to challenge the acquisition proceedings, they would not be entitled to claim the allotment of premises under the said public notice dated 22.11.2001 till the challenge is finally decided. This is for the reason that they cannot have both - the return of the land as well as the premises in lieu thereof under the public notice dated 22.11.2001. If, however, they do not intend challenging the acquisition proceedings, they would be entitled to the premises in accordance with the public notice dated 22.11.2001, provided of course they are found to be eligible for the same.*

*3. The respondents have carried out a survey regarding the entitlement of each of the petitioners in the above petitions. We are informed that some of them have been held to be eligible, whereas others have been found to be ineligible. In the case of the petitioners, who are entitled either today or subsequently to*

*premises under the said public notice dated 22.11.2001, the respondents must take a decision in the case of each of them separately. They would be entitled to challenge the decision in accordance with law, if adverse to them.*

*4. The writ petitions are accordingly disposed of in the above terms. The respondents shall latest by 30.09.2017 inform the petitioners' present advocate(s) in writing the decision as to whether or not they intend proceeding/going further with the acquisition proceedings already initiated. Depending upon their decision, the petitioners are at liberty to either challenge the acquisition proceedings or to seek the allotment of premises under the public notice dated 22.11.2001. Needless to add that even those petitioners who challenge the acquisition proceedings, but the challenge is not successful, would be entitled thereafter to seek the allotment of premises under the public notice dated 22.11.2001 subject to any change in respect thereof.*

*5. Till the respondents communicate the decision as aforesaid regarding whether or not they intend continuing with the acquisition proceedings, the petitioners and the respondents shall maintain status-quo in respect of the land in question."*

In the compliance affidavit of Estate Officer, GMADA, SAS Nagar, a specific stand is taken with regard to petitioner Hazara Singh that he did not apply against public notice dated 22.11.2001 along with demand draft of Rs.10,000/- and was not found having constructed any pucca booth at the site, therefore, claim of the petitioner was rejected. Similarly, claim of

similarly situated persons was also rejected.

Learned counsel for the respondents has referred to copy of the notice (Annexure R-2/1), vide which the petitioner was intimated that vide an award dated 17.05.2001, his land stands acquired.

Learned counsel for the petitioner has, however, contested the facts stated in the affidavit.

In view of the specific stand taken by the respondents, if any further action is called for, in view of option given by the writ Court, remedy lies with the petitioner to file the writ petition and there is no wilful disobedience of the order passed by the writ Court.

Accordingly, the present petition is dismissed.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

05.10.2023  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No