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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Date of Decision : April 19, 2023

PIVOT INFRASTRUCTURE PVT LTD

-Petitioner

V/S

STATE OF HARYANA AND OTHERS

-Respondents

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

Present : Mr. Ashmita Sandhu, Advocate for  
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Ms. Monica Chawla, Advocate with  
Mr. Anil Chawla, Advocate  
for the respondent No.3.

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**SURESHWAR THAKUR, J.(ORAL)**

1. The petitioner has claimed the making of a mandamus, upon the respondent concerned, to compulsorily acquire lands, owned and possessed by the petitioner. However, there is no evidence existing on record, to reveal, that the petitioner's lands became used for any public purpose, and thereby, the respondent concerned be directed to issue a notification, for bringing to acquisition the petition lands. Resultantly, the above asked for mandamus, cannot be directed to be made, upon the respondent concerned.

2. Even otherwise, the discretion to acquire land(s), for a public purpose, squarely vests in the authority concerned. In the exercising of the said discretion, by the competent authority concerned, there may not be any permissible jurisdiction, in the writ court, to yet make a mandamus, upon the respondent concerned, to, as asked for, in the petition, make a compulsory

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acquisition of the petition lands. In case, the said mandamus is made, thus there would be a complete dilution of the principle, governing the exercise of discretion, by the competent authority concerned, in its making an objective conclusion, that as a matter of fact, the lands concerned are required for facilitating any public purpose.

3. Be that as it may, as and when, the respondent(s) concerned, deem it fit to make acquisition of the petitioner’s land, but for a public purpose, thereupon it is open for the respondent(s) concerned, to do so, but in accordance with law.

4. Disposed of accordingly.

(SURESHWAR THAKUR)  
JUDGE

(KULDEEP TIWARI)  
JUDGE

April 19, 2023  
devinder

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable         | : | Yes/No |