



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP No.1717 of 2021
Date of Decision:13.09.2024

Shiri Pal
...Petitioner

Versus

The State of Haryana & Others
...Respondents

2. CWP No.1936 of 2021

Mahipal & Another
...Petitioners

Versus

The State of Haryana & Others
...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sandeep Sharma, Advocate,
for the petitioner(s).

Mr. Ankur Mittal, Additional AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate,
for respondent-HSVP.

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G.S. SANDHAWALIA J. (Oral)

Repeated petitions have been filed by petitioner-Shiri Pal
along-with his brother Mahipal, both sons of Birbal on earlier occasions, in
order to stall the acquisition proceedings. The notification dated 02.08.1989
(Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (for



short 'the Act') followed by notification dated 01.08.1990 (Annexure P-2) under Section 6 of the Act and the Award dated 07.10.1991 (Annexure P-3) were subject matter of challenge in **CWPs No.2069 & 2120 of 2018**.

2. Counsel for the petitioners has only stated that earlier CWP No.2120 of 2018 was filed by petitioner-Shiri Pal while concealing the fact that he was also writ-petitioner in CWP No.2069 of 2018 as petitioner No.2.

3. On earlier occasions, the Division Bench had to pass separate orders for petitioner-Shiri Pal in one case, i.e CWP No.2120 of 2018 and Mahipal and Shiri Pal in other case, i.e CWP No.2069 of 2018 on 31.08.2022. The land in question is stated to be in village Mewala, Maharajpur, Tehsil and District Faridabad and the challenge was raised on account of the lapsing provision as prescribed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. The detailed orders having been passed on 31.08.2022 in view of the Constitution Bench of the Supreme Court in **Indore Development Authority vs. Manohar Lal and others AIR 2020 SC 1496** which have become final, led to another round of litigation by filing the present petitions taking the plea of Section 101-A of Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013. Normally the Court would have imposed exemplary costs on account of the repeated filing, but we leave it at that.

4. Earlier **CWP No.2123 of 1991** filed by co-sharer was decided on 29.08.2011. The reasoned order rejecting the claim of the petitioners



had also been passed on 11.01.2018 which was subject matter of challenge before the Division Bench and the same has not been challenged herein also. The Division Bench (in CWP No.2120 of 2018) had also dealt with the essentiality of the land in question as it affected the development of 9 meter wide road and 1 nos. primary school in Sector 45, Faridabad as per the layout plant. The relevant part of the order dated 31.08.2022 passed by the Division Bench filed by Shiri Pal reads as under:-

“IV Essentiality of the land in question

13. Mr. Ankur Mittal, on the strength of the facts pleaded in the written statement, has vehemently contended that the State acquired the land for the public purpose for utilization of land for development and utilization of land as Residential and Commercial Sector 45, Faridabad. The land in question is very much essential to achieve the public purpose as it affects the development of 9 mtr. wide road and 1 nos. primary school in Sector 45, Faridabad as per the layout plan. We have considered this part of argument raised by the respondents and we are in complete agreement with the same as this is an important factor to be kept in mind while dealing with the case arising out of the acquisition of land to achieve the public purpose and it is the State/its authority who is in the best position to decide about utilization of the land acquired, after it having been vested in State.”

5. And the similar findings had also been recorded in the connected case, i.e CWP No.2069 of 2018 filed by Mahipal and Shiri Pal that the land is very much essential to achieve the public purpose as it affects the development of 30 mtr. wide Sector dividing road as per the



layout plan. The relevant part reads as under:-

“IV. Essentiality of the land in question

12. Mr. Ankur Mittal, on the strength of the facts pleaded in the written statement, has vehemently contended that the State acquired the land for the public purpose i.e for development and utilization of land as Residential and Commercial Sector 45, Faridabad. The land in question is very much essential to achieve the public purpose as it affects the development of 30 mtr. wide Sector dividing road as per the layout plan. We have considered this part of argument raised by the respondents and we are in complete agreement with the same as this is an important factor to be kept in mind while dealing with the case arising out of the acquisition of land to achieve the public purpose and it is the State/its authority who is in the best position to decide about utilization of the land acquired, after it having been vested in State.”

6. Apparently, on account of the fact that one patch of land of the petitioners is comprised in Khasra No.49//3/3 and the other patch land is 49//14/2/2 (1-13) at village Mewala, Maharajpur, Tehsil & District Faridabad, two separate petitions have been filed to keep this Court occupied. The same strategy has now been applied by the petitioners by filing both the present writ petitions through the same counsel on the ground of non-viability and essentiality.

7. Faced with this situation, counsel for the petitioners, in order to avoid the exemplary costs now, submits that he does not wish to press the present petitions.



8. Accordingly, both the writ petitions are dismissed as not pressed.

(G.S. SANDHAWALIA)
JUDGE

September 13, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No