



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2391 of 2022

Date of decision: 13.11.2024

Harphool @ Harpal Singh and Ors.

.....Petitioners

Versus

State of Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Ms. Sumitra, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

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

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate for respondent Nos.2 & 3.

G.S. SANDHAWALIA, J

1. The writ petition has been filed for releasing of the land measuring 04 kanal 03 marla falling in Khasra No.8//15min in village Tigra, Gurugram as per the Policy dated 14.09.2018 (Annexure P-5) issued under Section 101-A of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity "2013 Act"). Further direction has also been sought for deciding the application dated 21.01.2022 (Annexure P-6) within the specified time frame wherein the claim is that the land of the petitioner is to be released, in view of the judgment of the Apex Court reported as **Raghubir Singh and Anr vs. State of Haryana, 2021 (3) RCR (Civil) 533.**

2. The acquisition in question pertains to Notification dated 09.06.2003 issued under Section 4 of the Land Acquisition Act, 1894 (for short "1894 Act") and dated 02.06.2004 issued under Section 6 of 1894 Act. The award was passed on 20.12.2005.



3. A perusal of the paper book would go on to show that on an earlier occasion, the petitioner had filed Civil Writ Petition No.27137 of 2017 whereby the prayer was sought for quashing on the ground of lapsing of land acquisition proceedings. The said writ petition, wherein the issue of deemed lapsing was never pressed, was dismissed on 14.09.2020 in the light of judgment of the Constitution Bench of the Supreme Court in **Indore Development Authority vs. Manoharlal and others, AIR 2020 SC 1496** and only the permission to invoke Section 101-A of 2013 Act was given.

4. The matter was taken to Apex Court in SLP No.12657 of 2020 and argument raised was that the deemed lapsing was not being decided and, therefore, liberty was given to the petitioners to approach the High Court by way of appropriate application. Resultantly, the writ petition came to be revived and was then dismissed as withdrawn on 27.01.2023 by noticing that the land stood utilized and the counsel did not press the issue in view of the matter being covered by the judgment in **Indore Development Authority's case (supra)**, which reads as under:

*“Learned counsel for the petitioners fairly concedes that the issue regarding applicability and the relief based on Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013 stands squarely covered by a decision of the Supreme Court rendered in **Indore Development Authority vs. Manohar Lal and others AIR 2020 SC 1496**.*

Learned counsel for the respondents submits that in this case post acquisition, the land has even been utilized for the purpose it was acquired and it has even been allotted to various persons.

Be that as it may, as the learned counsel for the petitioners prays for withdrawal of the petition on account of the issue being covered by the decision of the Supreme Court made in



Indore Development Authority case (supra), the petition is dismissed as withdrawn.”

5. Thereafter, another writ petition bearing CWP No.15730 of 2020 was filed, praying that the matter was pending with the Authorities and the petitioners should not be dispossessed, which was dismissed as withdrawn vide order dated 09.10.2020 passed by this Court. It is pertinent to notice that the application for dropping of proceedings had already been decided. It is also pertinent to notice that on 12.08.2016, an order (Annexure R-2) had been passed by the Chairperson-cum-Zonal Administrator HUDA-cum-Additional Director Urban Estate Gurgaon, in pursuance of another direction sought in CWP No.19075 of 2014, on 15.09.2014 that the issue of lapsing should be decided. The Authorities noticed that the petitioner had already accepted the compensation and also that the land was required for the purpose of 30 mtr road, 10 mtr wide service road and 3 no.10 marla category plots in Sector 57 (part-II). The relevant part of the order reads as under:

“As per revised Layout-cum-Demarcation Plan of Sector 57 (part-II), approximately 0.384 acres area of petitioner’s land affects 30 mtr road between Sector 57 (part-I) and sector 57 (part-II), approximately 0.193 acre area affects 10 mtr wide service road oil the both sides of this 30 mtr wide road and 3 no. 10 marla category plots in Sector 57 (part-II).

The site of the petitioners is shown on the Revised Layout/Demarcation Plan of Sector 57, Part-II, Gurgaon.

The Committee was of the view that claim of the petitioners did not seem to be justified in view the report of LAO, Gurgaon that the land in question was vacant at the time of notification u/s 4, and as reported by EO-II, HUDA, Gurgaon that the possession of the entire land is with HUDA and it affects 30 mtr road, 10 mtr wide service road and 3 no. 10 marla category plots in Sector 57 (part-II), CA HUDA has recommended not to release any land in favour of petitioner.

The land of the petitioner is not recommended for release, as provision of Section 24(2) of IN RFCTLARR Act 2013 is not applicable in the instant CWP.”

6. Present writ petition then was filed on 09.02.2022 under Section 101-A of 2013 Act raising the grievance, which stands duly redressed in the order (Annexure R-2) passed by the Authorities, which was never appended with the writ petition. Even on earlier occasions, the Division Bench noticed that the land stands utilized and therefore the viability and essentiality is already no longer ground as such for dropping the acquisition proceedings. The order dated 06.10.2020 (Annexure R-5) would go on to show that four plots in Sector 57 fall in the land in question and one plot No.3611, the allottee of whom has constructed house, wherein Occupation Certification has also been issued. The misuse of court proceedings is thus apparent in approaching the Court repeatedly and therefore valuable court time has been spent. Therefore, it is a case of exemplary costs necessarily to be imposed upon the relentless litigant as observed by the Constitution Bench of the Apex Court in **Indore Development Authority’s case (supra)**.

6. Resultantly, the writ petition is dismissed with costs of Rs.25000/- to be deposited with the Haryana State Legal Services Authority, within two months failing which the Collector, Gurugram shall recover by way of arrears of Land Revenue. Compliance report be submitted to the Registrar General of this Court.

(G.S. SANDHAWALIA)
JUDGE

November 13, 2024
manoj

(MEENAKSHI I. MEHTA)
JUDGE