IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP-11921-2005
Reserved on: 21.02.2024
Pronounced on: 29.02.2024

RAJPAL SINGH .....Petitioner

Versus

STATE OF PUNJAB AND ORS. ....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Argued by: Mr. Puneet Jindal, Senior Advocate with
Mr. Arshnoor Singh, Advocate
for the petitioner.

Mr. Avnish Mittal, Addl. Advocate General, Punjab
for the respondent-State.

Mr. Maninder Singh, Sr. DAG, Punjab.

Ms. Anu Chatrath, Senior Advocate with
Mr. Nikhil Singh, Advocate
for the respondent- GMADA.

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SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioner herein prays thus for the quashing of the acquisition notification(s), as became issued in respect of the land comprised respectively in Khasra No. 17//14/1 (2-0) and 72//17 (8-2) comprising of 720/823 and 721/824 measuring 18-2 Kanals situated in Village Sohana. Moreover, a challenge is also made to the award bearing No. 481 dated 17.05.2001 (Annexure P-1).

2. The said prayer is made on the ground that after acquiring the land which included the land of the petitioner and the scattered land of respondent No. 4-Radha Soami Satsang Beas (hereinafter for short

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called as the 'Dera'), thus the respondent concerned, re-allotted land in one big block/sector to respondent No. 4, instead of developing a residential estate as stated in Section 4 notification. Hence, there is a change of purpose of the acquisition for which the notification/award was issued.

Factual Background.

3. The acquisition of the subject lands was made by the Government of Punjab, Housing and Urban Development Department vide Award No. 481 dated 17.05.2001 for the planned development of Sectors 76-80, SAS Nagar.

4. That evidently, the mother of the present petitioner, namely Harbachan Kaur wife of Gurdev Singh, who was a shareholder in the joint khata land falling in Khasra Nos. 72//14/1, 72//15 and 72//17 of Village Sohana, alongwith his brothers namely Jasbir Singh, Sarwan Singh, and Karamjit Singh, except Sher Singh had received compensation of acquired land amounting to Rs. 6,13,848/- on 28.09.2001. However, the share of Sher Singh having been mortgaged with Punjab Financial Corporation, his compensation amount was deposited with the Reference Court (District Judge, Ropar) on 13.01.2003 in the Land Reference under Section 30 of the Land Acquisition Act, 1894.

5. Further, as per reply, on affidavit, filed by the respondent-GMADA, the acquired land falling in the said khasra numbers of village Sohana is also situated outside the boundary line of site allotted to Radha Soami Satsang Society Beas and has been planned for District Administrative Complex and Judicial Complex at S.A.S. Nagar, Mohali, which is a public purpose.

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Common submissions of the learned State counsel and the learned counsel for respondent No. 4.

6. The allegation of the petitioner, that the purpose has been diversified, is absolutely wrong, inasmuch as, in terms of clause 9.1 of the Standing Order No. 28 of the Govt. of Punjab, no religious place of worship, shrine, tomb, grave-yard or any immovable property attached to any such institution, the boundaries of which are continuous with the site of the same, rather can become acquired compulsorily.

7. Since the land of religious body/place of worship could not be acquired, thereupon the said land was re-allotted to the 'Dera' by the Government with specific conditions, inasmuch as, to keep the land under minimum construction and maximum being kept as green. As on today, the land constructed is less than 3 % of the 200 Acres. Therefore, it is contended that there is no breach of the conditions as carried in the conditional allotment made to the 'Dera'.

8. The said parcels of lands were acquired for planned development of Sectors 76-80 and after planning only 200 acres of land were re-allotted to the Society in Sector – 76, which is predominantly an institutional sector, so that these parts of land, thus used as Satsang Ghar, by the society rather do not come in the way of compact development of these sectors. The Society is using the land re-allotted to it only for religious congregations and construction only upto 5 % has been done at the site concerned.

9. If the re-allotment to respondent No. 4 is cancelled, the impact would be to return the scattered land measuring 234 acres, which is now part of developed sectors of Mohali District, which will not be feasible at all.

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10. The possession of the land has already been taken while award was passed and the compensation amount taken by the villagers. The challenge to re-allotment and acquisition is highly belated and a manipulated motion has been raised at the instance of the petitioner.

11. That once the compensation amount has been received by the petitioner(s), thus he is left with no interest or title in the said land and thus, the said CWP is not maintainable at this belated stage.

12. It was also stated on reply, on affidavit, by the respondent-GMADA that re-allotment of land to Radha Swami Satsang Society was challenged in case bearing No. CWP-14932-2008 titled as 'Gurmail Singh and Others and the same was dismissed by this Court vide order dated 04.10.2008.

Analysis of the submissions of the learned counsel for the parties and inference of this Court.

13. A reading of para no. 4 of the reply, on affidavit, rendered on behalf of respondent No. 2, reveals that the land in dispute is situated outside the boundary line of the land of respondent No. 4-Dera, and that it has been planned for District Administrative Complex and Judicial Complex of SAS Nagar, which has been constructed and is functioning. Thus, the land of the petitioner as became acquired for a public purpose is also being used as such.

14. Further, the objections filed by the petitioner under Section 5A of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894') were duly considered and rejected. The petitioner was paid compensation, which he has accepted and as such no surviving claim vests in the petitioner.

15. Resultantly the petitioner has no *locus standi* to make any

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challenge to the launched acquisition proceedings. In case, this Court proceeds to accept the challenge to the launched acquisition proceedings, thereby, the lands which become acquired for the public purpose, and, whereons the public purpose has been accomplished, therebys, it would lead to the ill consequence of the developed acquired sites, thus being directed to be allotted to the 'Dera', especially when the said developed sites were owned by the 'Dera' prior to the issuance of notification under Section 4 of the 'Act of 1894'. Predominantly, also when in lieu of such acquisition(s) of the land of the 'Dera' being made, the latter became allotted a compact parcel of lands, so that therebys the eminent public purpose of a sizeable congregation becoming ably facilitated to assemble there for the relevant spiritual and religious purposes, does become furthered.

16. Therefore, to avoid the above ill consequence besides in the face of the petitioner receiving the assessed compensation, thereby, the petitioner becomes estopped from challenging the launched acquisition proceedings, whereby this Court refrains to interfere with the launched acquisition proceedings.

17. Be that as it may, since the allotment made to the 'Dera' was conditional and when the said conditions have not shown to be breached, thereby also the conditional allotment of the subject lands, as made to the 'Dera', thus cannot become interfered with.

18. Predominantly, also, it appears that though the petitioner(s) lands became acquired for developing thereons a residential estate. Moreover, though it also appears that the public purpose stated in the acquisition notification became changed to the said acquired lands becoming allotted to the 'Dera' rather in lieu of the acquisition(s) being

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made of the land of the 'Dera', whereons, rather developmental activities have been completed. Consequently, if the acquired lands of the 'Dera' do become subjected to development activities. Furthermore, if in lieu of the said development taking place on the acquired lands of the 'Dera', thus the subject lands became allotted in one big block/Sector to the 'Dera', whereons, a public purpose becomes sub served, inasmuch as, the subject lands yet catering to the spiritual and religious needs of a sizeable section of population.

19. Moreover, though the above is in digression of the stated public purpose in the acquisition notification. However, when the dynamics of public purpose are ever changing and are not static, thereby also any digression from the initially stated public purpose in the acquisition notification to the public purpose (supra), thus also does not become stained with any palpable vice of any arbitrariness or nepotism.

20. Predominantly, and reiteratedly for the reason that the said change is also sub serving the public purpose, inasmuch as, its catering to the spiritual and religious needs of a sizeable section of the population.

Final order of this Court.

21. In aftermath, this Court finds no merit in the writ petition and is constrained to dismiss it.

22. The writ petition is accordingly dismissed but with the aforesaid observation(s).

23. The impugned acquisition notification(s) and the consequent thereto impugned award are maintained and affirmed.

24. No order as to costs.

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25. Since the main case itself has been decided, thus, all pending application(s), if any, are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.02.2024

kavneet singh

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

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