

**106 + 227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.****CWP-13161-2006 (O & M)****Date of Decision : 16.01.2024****BALDEV SINGH & ANR.**

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Puneet Bali, Senior Advocate with
Mr. Imanbir Singh Dhaliwal, Advocate and
Ms. Niharika Mittal, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Mr. R.S.Khosla, Senior Advocate with
Mr. Yogender Verma, Advocate
for respondents No. 2 and 3.

SURESHWAR THAKUR, J. (Oral)
CM-17944-CWP-2023

1. During the pendency of the instant writ petition, the demise of petitioner no. 1- Baldev Singh has occurred on 08.05.2016. It has been averred in paragraph No. 2 to the application that the deceased petitioner is survived by LRs, as, enumerated therein.

2. Since for an adjudication of the instant writ petition, the substitution of the deceased by his LRs is imperative. Therefore, after allowing the asked for substitution, the instant application is allowed.

3. The amended memo of parties, as appended with the application is taken on record.

4. No notice is required to be served upon the newly added LRs-petitioners, as they stand represented through their counsel

Mr.Imanbir Singh Dhaliwal, Advocate and Ms. Niharika Mittal,

Advocate.

Main case

5. Though the learned counsel appearing for the petitioners fairly concedes before this Court that the subject matter involved in the instant writ petition was also involved in CWP-1568-2007 and CWP-17658-2006. Though, he also submits that this Court in a verdict made thereons, on 18.10.2023, had declined the writ reliefs which are but similar to the ones, as in the instant writ petition.
6. Nonetheless, he submits the stark factual distinctivity inter-se the facts in the said writ petition and ones in the instant writ petition are comprised in the factum that the writ lands are yet un-utilized for the relevant public purpose.
7. Even the above submission gets unhinged in the wake of this Court, in a judgment made by this Court in CWP-12423-2023 titled as Anil Suri and another versus State of Haryana and Others, declaring that the non utilization of the acquired lands, by the acquiring authority, is not the relevant parameter for this Court becoming constrained to release the acquired lands from acquisition.
8. Disposed of accordingly.
9. Since the main case itself has been disposed of, thus, all pending applications, if any, are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

16.01.2024
kavneet singh