

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-3109-2002 (O & M)

Reserved on: 21.02.2024

Pronounced on: 29.02.2024

PUSHPINDER 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. Mohit Jatti, 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.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioner herein prays for quashing of the acquisition notification(s), as issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'). The said notification(s) were issued respectively on 21.02.2000 and on 02.02.2001.

2. In the writ petition (supra), a further prayer has been made to re-allot the plot owned by the petitioner as per policy decision, (public notice Annexure P-8), without discriminating between built up booths or plot.

measuring 2- ½ marla since falls on the main Mohali- Landran Road in village Sohana and rather abutted by constructed shops, on both sides, thereby the said acquired vacant plot be re-alloted to him, thus in terms of the policy decision taken vide public notice dated 23.11.2001 (Annexure P-8).

Reply of respondent No. 3.

4. In response to the above petition, the Estate Officer, GMADA, SAS Nagar, submits reply, on affidavit, that the applications for re- allotment of land to the owners of built-up booths situated on right side of Mohali Landran Road in Village - Sohana outside Phirni on '*as is where is*' basis, were called through public notice (Annexure P/8) which was confined only to those structures, that exist in the assessment made by the PWD (B & R) Department, as part of land acquisition proceedings, and, which are abutting the main road, but it did not extend to the structures with no access to the highway or to the vacant plots. As per this notice, only the structures of built up booths situated on the main Mohali-Landran Road were to be considered for re-allotment subject to payment of development charges @ 1000/- per Sq.yds and other conditions mentioned therein.

5. Simultaneously, through another public notice application for re- allotment of land to owners of built-up residential houses situated in Akal Ashram Colony, Village-Sohana were called by the predecessor of respondent no. 2, subject to the terms and conditions mentioned in the public notices.

6. In pursuance to these public notices, 138 applications were received by PUDA (Now GMADA). Since litigation pertaining to the

adjudication before this Hon'ble Court and Hon'ble Supreme Court for a long time, thus decision on these pending applications could not be taken at the competent level. However, since the litigation before the Hon'ble Supreme Court has attained finality, thus, appropriate decision on these applications will be taken in due course.

7. The present petitioner, who claims to be an owner of vacant plot, has neither applied in response to the aforementioned public notice nor he is eligible under the said policy because vacant plots cannot be considered for re-allotment under this policy decision.

Inference of this Court.

8. A perusal of the reply, submitted by the respondent-GMADA reveals, that since the said release(s), as were made, thus qua the land owners concerned, rather was conditional besides was within the domain of the public notice (Annexure P-8). Furthermore, since it is also spoken therein that the said releases were made only in respect of construction(s)/structures which were abutting the main road, but the said policy was not made applicable to the vacant plots.

9. The reason as assigned therein becomes founded upon the factum that since evidently the vacant plot of the petitioner became acquired, thereby, when the policy (Annexure P-8), prohibited the release of any vacant plot. Resultantly, the present petitioner became prohibited to rather claim any parity, thus with land owners qua whom releases, thus of the built up structure(s) abutting the main road, were made.

10. The said assigned reason does appeal to the judicial conscience of this Court and thereby this Court does not deems it fit

assigned by the competent authority.

Final Order of this Court.

11. In aftermath, this Court finds no merit in the writ petition and is constrained to dismiss it.
12. The writ petition is accordingly dismissed but with the aforesaid observation(s).
13. The impugned acquisition notification(s) and the consequent thereto impugned award are maintained and affirmed.
14. No order as to costs.
15. 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