



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11482 of 2024
Date of Decision: 23.10.2024.

Shriniwas Rana and another
.....Petitioners
Versus
State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rohit Singh, Advocate
for the petitioners.

Mr. Arvind Seth, Advocate
for the respondents.

VIKRAM AGGARWAL, J.

1. The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of the Constitution of India with a prayer that this Hon'ble Court may be pleased to issue a writ in the nature of certiorari quashing the order dated 14.12.2023 (P-16) passed by respondent No.2 in compliance of order dated 29.08.2016 (P-14) passed by this Hon'ble Court in "CWP No.25238 of 2014" titled as "Shriniwas Rana Vs State of Haryana and others" vide which just and genuine claim of the petitioner has been rejected in a totally illegal and arbitrary manner while resorting to pick and choose policy.

Further for issuance of a writ in the nature of mandamus thereby directing the respondents to make the requisite allotment of plots to the petitioners in lieu of their acquired land while satisfying their claim at par with similarly situated persons viz. Sh. Ajad Singh Rana; Sh.



***Ramesh Kumar Rana @ Lt. General Ramesh Kumar Rana
and Sh. Asil Kumar Rana etc.”***

2. Land of the petitioners (fully described in the writ petition) situated in Village Chauma, Tehsil and District Gurugram was acquired for a public purpose. After the issuance of the notification under Section 4 of the Land Acquisition Act, 1894 (for short ‘the 1894 Act’), filing of objections under Section 5-A and issuance of declaration under Section 6, award was passed.

3. The petitioners had been, from the very beginning, praying for release of their land on the ground of the petitioners having constructed their houses, having established poultry farms, feed mill, floor mill and a number of shops over the said land.

4. Eventually, they preferred “CWP No.4242 of 2011 titled as Shri Niwas Rana and others Vs. State of Haryana and others” challenging the acquisition proceedings. The writ petition was disposed of on 20.09.2013 (Annexure P-11) with a direction to the respondents to firstly undertake the exercise of conducting a fresh survey to determine as to whether a residential house had been constructed prior to the issuance of the notification under Section 4 and if it was so, its release be considered in terms of the policy dated 26.10.2007. Pursuant to these directions, representation dated 03.01.2014 (Annexure P-12) was moved which was rejected vide order dated 04.08.2014 (Annexure P-13).

5. Against this decision, CWP No.25238 of 2014 titled as Shri Niwas Rana and others Vs. State of Haryana and others was filed which was heard along with CWP No.14189 of 2014 titled as Ram Kishan Saini Vs.



State of Haryana and others. Both these writ petitions were disposed of on 29.08.2016 and certain directions were passed. After waiting for some time for the respondents to pass a speaking order, a contempt petition was also preferred and eventually the impugned order 14.12.2023 (Annexure P-16) was passed vide which the claim of the petitioner was rejected leading to the filing of the present writ petition.

6. Learned counsel for the petitioners submits that the impugned order is not sustainable for the directions passed by a Co-ordinate Bench of this Court while deciding CWP No.25238 of 2014 have not been complied with. It has been submitted that in lieu of the land of the petitioners which was acquired, the petitioners deserve to be allotted plots in terms of the R&R Policy.

7. *Per contra*, learned counsel representing the respondents, who has caused appearance on advance copy having been served has referred to the impugned order and has submitted that a right has been given to the petitioners to apply for allotment of a plot under the R&R Policy as and when an advertisement is issued and the claim of the petitioners *qua* release of their land has been rejected.

8. We have considered the submissions made by learned counsel for the parties. CWP No.25238 of 2014 was disposed of on 29.08.2016 along with CWP No.14189 of 2014:-

“During the course of hearing, it transpires that the subject acquisition was also under challenge in a bunch of writ petitions which were disposed of by a Co-ordinate Bench vide order dated 21.12.2015 with the lead case CWP No.1578 of 2015 (Azad Singh Rana & Ors. VS. State of Harvana & Ors.).



The order reveals that in fact it was a consent order as an affidavit was filed on behalf of State of Haryana offering certain benefits and in terms thereof, the writ petitions were disposed of with the following directions:-

"In view of the stand of the respondents and as explained in Court by the Learned Counsel for the respondents, and accepted by learned Counsel for the petitioners, we dispose of the writ petition with the following directions:-

- (i) The eligible land owners shall be given the benefit of land pooling scheme in terms of policy so notified, provided the land owners opt for such policy benefits on or before 31.1.2016;*
- (ii) In all other cases, the respondents shall consider exemption of the constructed portion existing on the land in question prior to publication of notification under Section 4 of the Act after granting an opportunity of hearing to such land owners;*
- (iii) If in case any constructed portions cannot be released from acquisition keeping in view the overall planning of the area in question, such land owners shall be entitled to benefit of Special Rehabilitation Package as announced for the oustees of the Northern Periphery Road, as noticed by this Court in CWP No.8060 of 2008;*
- (iv) The respondents shall take expeditious decision in accordance with law. "*

(3) Having regard to the above-reproduced agreed order, the instant writ petitions are also disposed of in same terms. Since the authorities are said to have earlier turned down the claim of the petitioners for the release of existing constructions on different pleas, it is directed that direction



(ii) reproduced above, shall be complied with independently without adverting to the reasons which were earlier assigned by the authorities for rejecting the claim of petitioners. It is further directed that the petitioners shall be heard in person or in a representative capacity before deciding their claim in terms of the above-reproduced directions.

(4) With these observations and directions, the writ petitions stand disposed of.”

A perusal of the aforesaid directions would show that only direction No.(ii) passed in CWP No.1578 of 2015 was to be complied with independently.

9. Accordingly, vide impugned order dated 14.12.2023 (Annexure P-16), the claim of exemption of the constructed portion was rejected and as regards allotment of plots under the R&R Policy, it was observed that since the petitioners had not applied under the oustees category against the advertisement issued in the year 2018, their claim would be examined as and when they would apply for allotment of plots under the oustees category against the upcoming advertisement.

10. Learned counsel for the petitioner has not been able to point out any illegality in the decision as regards exemption of the constructed portion, because it has specifically been observed in the order that the land is very much required for the public purpose for which it was acquired. As regards the allotment of a plot, the rights of the petitioners have been protected and it would be open for them to apply as and when an advertisement is issued. This finding is in consonance with the decision of the Full Bench of this Court in the case of ***Rajiv Manchanda and others Vs.***

CWP No.11482 of 2024

-6-

Haryana Urban Development Authority and another 2018 (4)
R.C.R.(Civil) 508.

In view of the aforesaid, we do not find any merit in the instant writ petition and the same is accordingly dismissed.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

October 23, 2024
Rekha

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