



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.11543 of 2022
Date of Decision: 13.11.2024

Jaswant Singh and others
...Petitioners

Versus

State of Haryana and others
...Respondent

CORAM: ***HON'BLE MR. JUSTICE G.S. SANDHAWALIA***
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

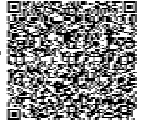
Present:- Mr. Sakal Sikri, Advocate for
 Mr. Gaurav Singh Rana, Advocate
 for the petitioners.

Mr. Ankur Mittal, Additional A.G., Haryana with
Mr. Saurabh Mago, D.A.G., Haryana
for respondents No.1 and 3.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate
for respondent No.2.

G.S. Sandhawalia, J.(Oral)

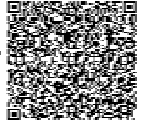
The challenge in the present writ petition filed under Article 226 of the Constitution of India is to the acquisition proceedings initiated vide the notification dated 01.07.2011 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and the notification dated 26.06.2012 (Annexure P-2) issued under Section 6 of the Act of 1894 followed by the Award dated 08.11.2014 (Annexure P-3). The challenge has been sought merely in a roundabout manner regarding the



release of the land falling in Khasra Nos.8//3, 8//4 and 8//5 measuring 14 Kanals 10 Marlas situated in the Revenue Estate of Village Piwara, Tehsil and District Rewari, under Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 on the ground of un-viability and non-essentiality for the public purpose.

2. The State in its reply pointed out that the planned development has been adversely affected and the acquired land is required as such. The possession of the land had been taken vide Rapat Roznamcha No.182 dated 08.11.2014 and the same was handed over to HSVP. The relevant part reads as under:-

“6. That the contents of Para no.6 of the petition are wrong and hence denied. It is submitted that the land involved in the petition is duly planned and is essential part of planning. The land of the petitioners’ affects the planning 10 nos plots of 1 kanal category, 11 nos plot of 6 marla category, 2 nos plot of 8 marla category and 2 nos of 12 meter wide internal road and 9 meter wide internal road as per the approved demarcation plan of Sector 20 and 24 (Part.), Rewari, bearing drawing no. DTP (RE) 657/2021 dated 15.11.2021. This clearly shows that the land in question has been duly planned and is very much essential for achieving the public purpose for which the land was acquired. It is further submitted that the possession of the land in question was taken vide Rapat Roznamcha No. 182 dated 08.11.2014 and the same was handed over to Haryana Shehri Vikas Pradhikaran (HSVP).”



3. It is further been mentioned that the planning, which is affected, is of 10 nos. plots of 1 Kanal category, 11 nos. plots 6 Marla category, 2 nos. plots of 8 Marla category, 2 nos. of 12 meter wide internal road and 9 meter wide internal road, as per the demarcation plan (Annexure R-1).

4. We have also examined the site-plan (Annexure R-1) which substantiates the stand taken by the State. It has been mentioned that the petitioners, who are owners of 14 Kanals 10 Marlas situated in the Revenue Estate of Village Piwara, Tehsil and District Rewari, had never filed any objection except petitioners No.1 and 2. The land had been found to be vacant at that time and recommended for acquisition and when notified, was not challenged, since the acquisition itself is of 2011 and once the Award was passed on 08.11.2014, i.e ten years back, the land would be vested under Section 16 of the Act of 1894. The requirement as such of the viability and essentiality has been substantiated, by the stand of the State.

5. In such circumstances, we are of the considered opinion that in sum and stance, no case is made out for issuance of any direction. Resultantly, the present writ petition is dismissed accordingly.

(G.S. SANDHAWALIA)
JUDGE

13.11.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No