



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP No.11529 of 2022
Date of Decision: 13.11.2024

Pawan Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

2. CWP No.18105 of 2020

Pawan Kumar and another ...Petitioners

Versus

State of Haryana and others ...Respondents

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

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner(s)

Mr. Ankur Mittal, Additional A.G., Haryana with
Mr. Saurabh Mago, D.A.G., Haryana
for respondents No.1 and 2.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate
for respondent No.3.

G.S. Sandhawalia, J.(Oral)

Consideration in the present writ petition filed under Articles
226/227 of the Constitution of India has been sought on the decision on the
application dated 08.11.2021 (Annexure P-3) in view of the order passed in



SLP Civil No.5283 of 2021 titled '***Pawan Kumar vs. State of Haryana***' (Annexure P-4), which was disposed of in terms of ***SLP (C) Nos.14802-14803 of 2020*** titled '***Mahender & Ors. vs. State of Haryana & Ors.***'. In sum and substance, the same was disposed of with the bunch of reported judgment in ***Raghubir Singh & Anr. vs. State of Haryana & Ors., (2022) 4 SCC 728.***

2. The State has appended order dated 18.08.2023 (Annexure R-6), whereby, the viability and the essentiality has been considered and the acquired land in question sought to be released is affecting the planned development as under:-

“3. Be as it may be, the LAC/HSVP has taken a categoric stand that the land in question is very much viable and planned. As per the planning, the same affects the same affects 04 plots of 08 marla, 01 plot of 14 marla, 01 part site, 05 plots of 10 marla, 18 mtr internal road and 02 nos. of 10 mtr internal road.”

3. The land is stated to be 01 Kanal 02 Marlas in Village Tigra, District Gurugram, which was subject matter of acquisition initiated vide notification dated 09.06.2003 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and the notification dated 02.06.2004 issued under Section 6 of the Act of 1894. The Award was passed on 20.12.2005 and the proceedings have been initiated for development of Sector-57, Gurugram. The order of the Apex Court was in pursuance to the earlier challenge raised in ***CWP No.16081 of 2017*** under



Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short ‘the Act of 2013’) wherein the petition has been disposed of in view of the judgment rendered by the Apex Court in ***Indore Development Authority vs. Manohar Lal and others, (2020) 8 SCC 129***. Faced with the inevitable, the usual prayer has been made under Section 101-A of the Act of 2013 seeking the liberty as such to approach the respondents, which was given by order dated 31.08.2020 (Annexure R-4). Apparently, inspite of that the SLP was filed and the second direction was taken.

4. Today, we are also informed that ***CWP No.18105 of 2020*** filed by the petitioner-Pawan Kumar is pending before this Court, which is now fixed for 03.03.2025. We have checked the head-note of the said petition and called for the file. The prayer in the said writ petition is for the quashing of the policy dated 14.09.2018, on the basis of which, the whole litigation has been kept alive by firstly making the prayer before the Co-ordinate Bench as noticed and then, taking it to the Apex Court to revive the said prayer. It is a classic case of misuse of the due process and the unfettered access to justice on account of easy accessibility mobility and the NCR region fuelling the unnecessary litigation this Court is facing.

5. Resultantly, we are left with no other option but to dismiss both the writ petitions with exemplary cost of Rs.1,00,000/- to be deposited with the Haryana Legal Services Authority. Needful be done within a period of 02 months from today. In case, the needful is not done, the District Collector, Gurugram, shall recover the amount by taking

appropriate coercive steps. The report of the Deputy Commissioner be
furnished to the Registrar General of this Court within the said period.

(G.S. SANDHAWALIA)
JUDGE

13.11.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*