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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

Reserved on: 29.04.2024
Pronounced on: 27.05.2024

1. CWP-2410-2006

JAI SINGH AND OTHERSPetitioners

Versus

STATE OF HARYANA AND OTHERSRespondents

2. CWP-19974-2004

HARI SINGH AND OTHERSPetitioners

Versus

STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Argued by: Mr. Ashok Gupta, Advocate and
Mr. Eklavya Gupta, Advocate
for petitioner No. 3 (in CWP-2410-2006).

Mr. Ajay Jain, Advocate
for the petitioners (in CWP-19974-2004).

Mr. Ankur Mittal, Addl. A.G., Haryana and
Mr. Saurabh Mago, DAG, Haryana.

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur Manchanda, Advocate
for respondent – HSVP.

SURESHWAR THAKUR, J.

1. Since both the writ petition(s) arise from common theretos notification(s) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'), besides also arise from common theretos declaration(s) issued under Section 6 of the

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becoming decided through a common verdict.

2. The said notification(s) became respectively issued on 27.01.2003 and on 23.01.2004.

3. Be that as it may, the facts of both the writ petition(s) (supra) being similar/identical are detailed hereinafter.

Facts of the cases.

4. The petitioner(s) herein seek quashing of the acquisition notification(s) (supra) and subsequent thereto award, thus on the premise that on the acquired lands, thus exist their residential houses with 'A' class construction(s), and which became so raised prior to the issuance of notification under Section 4 of the 'Act of 1894'. After the issuance of Section 4 notification, the petitioners filed objections under Section 5-A of the 'Act of 1894' but the respondents did not take into consideration, the contentions thus raised by them, and whereby but the respondents summarily ignored their objections, besides obviously did not pass any formal order vis-a-vis their objections. The houses of the petitioners are located in a thickly populated area and is/are surrounded by the other houses, thereby they be released from acquisition.

5. Moreover, it is also contended that the respondents have proceeded to adopt the ill practice of perpetrating invidious discrimination upon them, inasmuch as, the respondents releasing the constructed houses of similarly situated land losers, whereas, the respondents yet proceeding to subject the petition lands to acquisition, thus through the makings of the impugned notification(s).

6. The respondents have also framed a policy and have a precedent of releasing the land where construction(s) have been raised

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before the issuance of Section 4 notification but in the instant case the same has not been followed. The acquisition notification(s) are bad in law, therefore, they be quashed and the petition lands be released from acquisition.

Reply filed by the respondent and inferences of this Court.

7. It is apt to mention here that in pursuance to the direction(s) made by this Court on 05.09.2023, upon, CWP-14925 of 2006, the respondent concerned has filed a comprehensive reply appertaining to the launched acquisition proceedings, copy whereof, has been taken on record in the lead case **CWP-2410-2006**.

8. Imminently through the impugned acquisition notification(s), the subject lands became acquired for the development and utilization of land for residential, commercial Sector 18-19 and 20 part and for development of Commercial Sector – 17, Rewari. The substance of the notification under Section 4 of the 'Act of 1894' was published in two daily newspapers i.e. 'The Hindu' (English) dated 02.02.2003, 'Amar Uzala (Hindi) dated 30.01.2003. The substance of the notification was also pasted on the notice board of Halka Patwar Khana and Tehsil Office. Munadi was also done through Munadi Kununda by beating of empty kanastar in the village and locality of the land.

9. The petitioner(s) filed their respective objections under Section 5-A of the 'Act of 1894'. Pursuant to the aforesaid, the Land Acquisition Collector sent his report to the Government, thus for the takings of decision on the matter, and, the Joint Inspection Committee

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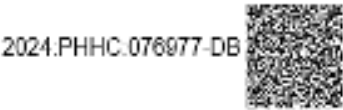
Government excluded the constructed area measuring 32.67 acres from the acquisition proceedings.

10. Pursuant to the issuance of declaration under Section 6 of the 'Act of 1894', several representations were received for releasing the land from acquisition proceedings, on account of occurrence of densely populated area, thus over the subject lands. Accordingly, a re-survey was carried out and a decision was taken to release the thickly constructed area rather from the acquisition proceedings. Accordingly, the State Government issued notification under Section 48 of the 'Act of 1894', whereby thus became withdrawn the acquisition proceedings but with respect to 94.11 acres of land situated in Village Piwara (12.22 acres), Rewari (14.10 acres), Padiawas (11.02 acres) and Dhaliawas (57.77 acres).

11. That on similar grounds of there being in existence constructed areas, at the time of issuance of notification under Section 4 of the 'Act of 1894', as such, further land measuring 4.08 acres became released from acquisition proceedings, vide release letter dated 10.01.2006, but before the announcement of award.

12. Further, similar land measuring 89.876 acres was released from acquisition vide letter dated 13.01.2006, but before the announcement of award.

13. In addition, after announcement of award, the land measuring 0.738 acres has been released from acquisition proceedings vide order dated 13.01.2011, 23.06.2014, 22.09.2014, 26.08.2016, respectively on account of existing residential area or pendency of the



14. Moreover, the order for release in the aforesaid cases have been made in terms of the policy dated 24.01.2011 as applicable at that time, keeping in view the facts of the individual cases, and, the remaining area was declared to be essential for carrying out developmental activities thereovers. The said essentiality and viability of the subject lands has been detailed hereunders :-

Sr. No.	CWP Nos.	Title	Khasra No.	Sector	Planning affects
1.	2410-2006	Jai Singh and Others Vs. State of Haryana.	4//25/1 (0-5), 8//5/1 (1-5) in the revenue estate of village Dhailyawas	18	The petitioners land affect existing road to be widened upto 45 m wide (Rewari-Kotkasim Road).
2.	19974/2004	Hari Singh and Others Vs. State of Haryana.	6//12 (2-10), 18 (8-0), 19 (7-14), 21 (5-2), 22/1 min (2-5) in the revenue estate of village Padiyawas.	18	The petitioners land affects the proposed site of Primary School, G.H.-4, G.H.-5 and 2 Nos. 24 M wide road.

15. Further, a perusal of the signed synopsis (in CWP-2410-2006) placed on record by the learned State counsel, reveals that possession of the subject lands, became assumed vide rapat no. 353 dated 20.01.2006 and subsequently the said assumed possession became handed over to the beneficiary department. As far as compensation amount of the subject lands is concerned, one of the petitioner namely Sudesh daughter of Raghubir Singh, is stated therein to become released compensation vide cheque No. 174855 dated 23.06.2011, whereas, the compensation amount with respect to the remaining petitioners rather remaining unclaimed by them, despite the same becoming available to become released to the land losers concerned.

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16. Moreover, a perusal of the signed synopsis (in CWP-19974-2004) as placed on record by the learned State counsel, reveals that possession of the subject lands became assumed vide rapat no. 344 dated 20.01.2006. As far as compensation amount of the subject lands is concerned, the petitioners namely Mangtu Ram and Hari Singh are stated therein to become released compensation respectively comprised in a sum of Rs. 16,87,778/- and Rs.17,91,375/- on 28.06.2006, whereas, the compensation amount with respect to the petitioner namely Arjun Singh, rather remaining unclaimed by him, despite the same becoming available to become released to the land loser concerned.

17. The effect of the above, is that, thereby the petitioners who have received compensation are deemed to accept the validity of the launching of the acquisition proceedings, and thereby they are rather estopped from challenging the validity of the launching of the acquisition proceedings.

18. Moreover, a further inference which also spurs from the above, is that, the present petitioners are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter for short refer to as the 'Act of 2013') as the acquiring authority in terms of the verdict recorded by the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and others, reported in (2020) 8 SCC 129*** has adduced sufficient/clinching

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qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited for therebys its becoming available for being released to the land losers concerned. Moreover, when the said events evidently happened before the coming into force of the 'Act of 2013', therebys too, the claim raised by the petitioners that they are entitled to a lapsing declaration in terms of the provision (supra), thus deserves rejection.

19. In addition, a perusal of the signed synopsis placed on record (in CWP-19974-2004), reveals that petitioners No. 2, 4 and 6 were not the owners of the subject lands. Thereby, also the said petitioners have no *locus standi* to maintain the instant writ petition.

20. Furthermore, when the releases as were made to the estate holders concerned, were strictly in terms of the policy as was prevalent at the relevant time besides were made on the ground that the released lands rather were not an integral component of the layout plans. Contrarily, when the subject lands are explicitly expressed in the reply on affidavit, that they are integral component of the layout plans, as become prepared by the Engineering Cell of the acquiring authority. Moreover, since there is a legal interdiction against this Court to in the exercising of power of judicial review rather make any interference therewith or make tinkering with the same.

21. Therefore, the consequential effect thereof, is that, utmost deference is to be meted to the said layout plans, as therebys public interest becomes promoted. Moreover, when it is trite law that

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individualistic interest of the land losers concerned. Therebys the petitioners cannot claim parity of treatment with the other estate holders whose lands became released from acquisition but on applying vis-a-vis them the relevant policy, besides when the lands as became so released were not an integral component nor therebys the petitioners can claim that as such they have been discriminated.

Final Order of this Court.

22. In aftermath, this Court finds no merit in the writ petition(s), and, with the above observations, the same are dismissed. The impugned notification(s), and consequent thereto award(s) are maintained and affirmed.

23. No order as to costs.

24. Since the main cases itself have been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

27.05.2024

kavneet singh

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