



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.12489 of 2022
Date of Decision: 13.11.2024

Kapil Yadav 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. 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 respondents No.2 and 4.

G.S. Sandhawalia, J.(Oral)

The release of the land has been sought under Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short ‘the Act of 2013’) and the policy dated 14.09.2018 (Annexure P-8). The land was acquired vide the notification dated 28.06.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short ‘the Act of 1894’) followed by the notification dated 29.06.1989 (Annexure P-3) issued under Section 6 of the Act of 1894 and the Award dated 26.06.1991 (Annexure P-4). The



acquisition was for the development and utilization of the land for M-2 Road and Green Belt in Village Budhanpur, Tehsil and District Panchkula, on the ground that the land acquired has become unviable and non-essential. Resultantly, the prayer has also been made to decide the representation dated 20.05.2022 (Annexure P-9).

2. The earlier round of litigation as such has been decided against the petitioners in ***CWP No.22949 of 2015*** titled '***Desh Deepak Garg and others versus State of Haryana and others***' and the land-owners Desh Deepak and others were unsuccessful as the said writ petition was dismissed on 24.08.2020 (Annexure P-5) on the ground that the issue of lapsing has been settled by the Constitutional Bench of the Apex Court in ***Indore Development Authority vs. Manohar Lal and others, (2020) 8 SCC 129.*** The prayer at that point was made to invoke Section 101-A of the Act of 2013 before the Co-ordinate Bench. The petitioners are not the owners of the land and are only the attorney holders which would be clear from Paragraph No.2 of this writ petition, which reads as under:-

"2. That it is respectfully submitted that the petitioners Kapil Yadav s/o Sharda Parsad and Rajiv Kumar s/o Ram Chander are General Power of Attorney holder of the land of Desh Deepak Garg s/o Hira Lal Garg comprised in Khasra No.37 admeasuring 15 marla falling in revenue estate of Village Budhanpur, Tehsil and District Panchkula. The executants Desh Deepak Garg is owner of the said land."

3. State in its reply has specifically pleaded that the land as such affects the planning of M-2 Road and Green Belt in Village Budhanpur,



Tehsil and District Panchkula and the relevant part reads as under:-

*“16. That it is respectfully submitted that in the case in hand, the land surrounding the land in question is acquired land and is in the possession of the answering respondent. The land of the petitioners’ affects the planning of M-2 road and Green Belt in village Budhanpur, Tehsil and District Panchkula. True copy of the layout plan is annexed herewith as **Annexure R-2** for the kind perusal of this Hon’ble Court.”*

4. As noticed, the acquisition itself was for the said purpose and therefore, it does not lie in the mouth as such of the petitioners who are not the land-owners to seek the de-notification of the land on the ground that the acquisition was for the purpose of M-2 road and Green Belt in Village Budhanpur, Tehsil and District Panchkula and the site-plan has also been appended to show the essentiality.

5. Thus, we do not find any plausible reason as such to interfere in the acquisition proceedings by 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