

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.12499 of 2022
Date of Decision: 13.11.2024

Meenakshi Sharma 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') in terms of policy dated 14.09.2018 (Annexure P-9). The notification in question is dated 28.01.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') followed by the notification dated 23.01.2003 (Annexure P-3) issued under Section 6 of the



Act of 1894 and the Award dated 20.01.2005 (Annexure P-4). The public purpose was for the development and utilization of the land (Pockets) as residential and commercial Sector-17 Part Jagadhari.

2. The speaking order has, thus, been passed on 22.07.2024 which would go on to show that the land in question measuring 250 sq. Yards is required which is affecting the planned development and the said order reads as under: -

“ **ORDER**

1. *The present order is being passed deciding the representation dated 27.05.2022 of Smt. Meenakshi Sharma and Shivani, qua the release of land falling in khasra no.399//293 Garhl Mundon, Sector-17-II, Jagadhri U/s 101A of RFCT and LARR Act, 2013.*

2. *The meeting of the Joint Site Inspection Committee was held on 04.10.2023. During the meeting, the Land Acquisition Officer, Panchkula refereeing to the letter No. 846 dated 15.05.2023 has stated that the petitioner has filed a CWP no. 12499 of 2022 before the Hon'ble High Court. The land in question was notified under section 4 on 28.01.2002, under section 6 on 23.01.2003 and award was announced on 20.01.2005 the land involved is 5 biswa. The land comes in abadi deh and petitioner is not sole owner of the land. The applicant has not taken compensation of the land in question. The similar writ petition has been dismissed by the Hon'ble High Court. The petitioner is not shown the owner in the award statement. The Land Acquisition Officer has mentioned the total area requested for release and area of his khasra no. 399/293 in the proforma. The total area is measuring 15 B-13 B square yards and area of*



applicant is 5 biswa (250 sq. Yards)

3. *Estate Officer, HSVP, Jagadhari vide letter dated 28.09.2023 has reported that award no. 25 was announced on 20.01.2005 for acquisition of the land for Sector- 17, Part-II, Jagadhari and possession of the land has been handed over to this office vide rapat no. 1110 dated 20.01.2005. Sector has already been developed and plots have also been allotted.*

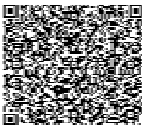
4. *The District Town Planner, Yamuna Nagar vide letter dated 27.09.2023 has stated that the land in question affects 01 number site of water works HUDA store, 01 number 18.0 mtr wide road, 01 number 10.0 mtr wide road as per revised layout-cum-demarcation plan of sector-17-II, Jagadhari.*

The matter was examined by the Joint Site Inspection Committee. After deliberations, the committee recommended that the land cannot be released as it affects HSVP planning.

5. *The matter was examined by the Government and the recommendation of the Zonal Committee headed by Administrator, HSVP, Panchkula regarding the claim of the representationist was approved by the Government and Government agreed that the land of the representationist cannot be released. Therefore, as per the directions of the Government, the land cannot be released.*

7. *The order may be conveyed through registered post to the representationist and other concerned offices.”*

3. Keeping in view the fact that the State has already taken a decision as such on the representation and also the fact that the right was only of consideration, it is not for us to examine the viability and feasibility



and even otherwise there is no vested right of the landowners in view of the law laid down by the Apex Court in '*Raghubir Singh and another vs. State of Haryana and others*' (2022) 4 SCC 728 and '*Ram Swaroop (dead) through LRs & another vs. State of Haryana and others*' in *Civil Appeal No.16421 of 2021* as such since the said order is not under challenge. There is no merit in the present writ petition and the same 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