



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.13615 of 2024
Date of Decision: 19.07.2024**

Ramesh Singh 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. Ashwani Talwar, Advocate
for the petitioners.

G.S. SANDHAWALIA, J.(Oral)

The petitioners challenge the speaking order dated 28.02.2024 (Annexure P-12), whereby their representation dated 10.11.2021 (Annexure P-11) to de-notify their land from acquisition has been rejected. The prayer as made by the petitioners is that the portion of the land which does not fall within the area earmarked for 45 meter road, is liable to be de-notified from acquisition as the same is neither essential nor viable for public purposes.

2. The case has a chequered history as several attempts have been made by the land owners to prevent the development on the land in question in a phased manner. It is not disputed that in pursuance of the notification dated 11.04.2002 issued under Section 4 of the Land Acquisition Act, 1894, the land situated in the revenue estate of Villages



Garhi Bohar, Kherisadh and Pehrawar was sought to be acquired for development of Sector 27-28 at Rohtak by the Haryana Urban Development Authority (now known as HSVP) and award dated 06.04.2005 (Annexure P-3) had been passed. The petitioners are stated to be having 6 Kanal and 16½ Marla land as per their share. The acquisition of the land ran into a rough weather and the challenge had been made to the acquisition proceedings vide **CWP No.19096 of 2011** titled ***Sant Singh and others Versus State of Haryana and others***, which was allowed on 20.12.2013 (Annexure P-4) and the award as well as the notification were set-aside by the Co-ordinate Bench. The matter was then taken to the Apex Court, whereby the judgment dated 20.12.2013 was reversed and the award as well as the notification were upheld in **Civil Appeal No.5072 of 2016** titled ***Uddar Gagan Properties Ltd. Versus Sant Singh and others Sant Singh and others*** decided on 13.05.2016 (Annexure P-5).

3. The second round of litigation was then initiated on account of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act of 2013') coming into force, which was dismissed by the Bench headed by the then Hon'ble Chief Justice on 12.10.2020 (Annexure P-6) in view of the law laid down by the ***Hon'ble Supreme Court in Indore Development Authority Versus Manohar Lal and others, AIR SC 1496***. The matter was then taken to the Apex Court vide the ***SLP (C) Nos.2966-67 of 2021*** titled ***Ramesh Singh and others Versus The State of Haryana and others*** and the same was dismissed on 29.09.2021 (Annexure P-8). However, liberty



was given to the land owners to file an application under Section 101-A of the Act of 2013, in view of the law laid down by the Apex Court in ***Raghubir Singh and another Vs. State of Haryana and others, 2021 AIR SC 5028***. The representation of the petitioners dated 10.11.2021 has been rejected vide order dated 28.02.2024 (Annexure P-12) passed by Zonal Administrator, HSVP-cum-Additional Director, Urban Estate, Rohtak, which is now the subject matter of challenge.

4. The reasoning given in the impugned order is that the land is required for public purpose which is very much viable/essential and the possession of the land in question was taken and handed over to the beneficiary department, i.e HSVP vide Rapat No.418 dated 06.04.2005. The relevant portion of the impugned order (Annexure P-12) is reproduced as under:-

“As regards the essentiality and viability of the land in question, the same affects as per DTP, Rohtak, the planning of 45 meter wide road, Green Belt, 12 meter wide service road, NH-9 60 meter wide road in Sec-26-27-28 (Part), Rohtak & the land is viable and essential for HSVP.”

5. Thus, it is apparent that the land in question has been acquired for the planned development and the requirement of the same is viable and essential for the concerned authority. The ground taken in the writ petition that the land in question is neither viable nor essential to be acquired for the public purposes cannot be accepted.



6. This Court cannot substitute the decision of the Authority as to whether the planning affects the 12 meter road, green belt and the lay out plan. Having gone into the merits of the case on two occasions, the land owners, now, cannot seek the benefit under Section 101-A of the Act of 2013. The Apex Court in a subsequent judgment in ***Ram Swaroop (Dead) through LRs and another Versus State of Haryana and others, SLP (Civil) No.16421 of 2021*** decided on 15.11.2021, has considered the object of the said provisions and has also noticed that how it is being misused for the sole purpose to retain possession of the acquired land by filing the repeated litigations and then, claiming that the land is neither viable nor required by the State. The relevant part of the observations made by Hon'ble Supreme Court in ***Ram Swaroop (Dead) through LRs and another (supra)***, read as under:-

“The claim of the appellants for release of land on account of Section 24(2) had been rejected by the State Government on 12.09.2016. The writ petition against the said order stands dismissed on 12.10.2020. Thus, the present appeal is merely an attempt to continue to be in possession of the land on one pretext or the other so as to defeat the public purpose of acquisition of the land for development and utilization of residential, commercial and institutional area, Sector-51, Gurgaon (now Gurugram).

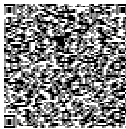
This Court in Raghbir Singh has held that



Section 101-A does not give a vested right to the landowner to seek denotification or even that upon denotification, the land in question must return to the erstwhile owners only. The State Government is at liberty to pass such order other than release of land in favour of the landowners.

7. Mr. Talwar has pointed out that the similar co-sharers had also approached this Court in a bunch of cases at an earlier point of time which has been decided on 20.10.2023 in **CWP No.12432 of 2023** titled **Anil Suri and another Versus State of Haryana and others** (Annexure P-16) and remained unsuccessful on the same issue but the Apex Court has now granted interim orders dated 10.11.2023 in the **SLP (C) No.25274 of 2023** (Annexure P-17) and 17.05.2024 in the **SLP (Civil) Diary No.2970 of 2024** (Annexure P-18). A perusal of the judgment in appeal would go to show that the State had not taken any action under Section 101-A of the Act of 2013 and therefore, the claim had been put before this Court. It was in such circumstances that the Co-ordinate Bench has held that the claimants have no vested rights to seek de-notification of the acquired land, while examining the doctrine of eminent domain.

8. As noticed, the reasoning which has now come from the State in pursuance of the orders of the Apex Court is that the land has been acquired for public purposes and is essential for HSVP's usage. In such circumstances, we are of the considered opinion that the limited window which had been given to the petitioners for consideration, has duly been



done by the State. Therefore, we do not find any reason to interfere in the impugned order.

9. Accordingly, the present writ petition is dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

July 19, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No