

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

CWP-15212-2017

Reserved on: 21.02.2024

Pronounced on: 29.02.2024

JASBIR SINGH AND ORS.

.....Petitioners

Versus

STATE OF PUNJAB AND ORS.

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
 HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Argued by: Mr. Puneet Jindal, Senior Advocate with
 Mr. Arshnoor Singh, Advocate
 for the petitioner(s).

Mr. Avnish Mittal, Addl. Advocate General, Punjab
for the respondent-State.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Pankaj Gupta, Advocate
for the respondent-PSIEC.

Ms. Anu Chatrath, Senior Advocate with
Mr. Nikhil Singh, Advocate
for the respondent- GMADA.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioner(s) herein pray
for the quashing of the acquisition notification(s), as issued under
Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter for
short called as the 'Act of 1894').

2. The said notification(s) became respectively issued on
11.11.1993 (Annexure P-2) and on 10.11.1994 (Annexure P-3) and the
consequent thereto award No. 1 dated 07.06.1996 became also passed.

the acquired lands, on the ground that the same is not used for the public purpose, as mentioned in the acquisition notification, whereas, the acquired land, thus in a most arbitrary and discriminatory manner rather has been given to respondent No. 6- Radha Swami Satsang Beas (hereinafter for short called as the 'Dera').

4. It has been averred in the writ petition that the respondents without considering the objections submitted by the petitioner(s), have issued notification under Section 6 of the 'Act of 1894' and the entire land of the petitioners falling beyond sectoral line has been acquired for public purpose namely for 'Industrial Purpose'. However, an identically situated land measuring 3.86 acres belonging to the respondent No. 6 was not acquired.

5. The land of the petitioner(s) which also fell beyond the sectoral road/line ought to have been left from acquisition in the same manner as that of the land of respondent No. 6 - Dera.

6. Furthermore, the land which was proposed to be acquired for public purpose as mentioned in the acquisition notification i.e. 'Industrial purpose' has been given to respondent No. 6-Radha Swami Satsang Beas.

7. That out of 80K-16M land 62K-11M land of the petitioners which was no longer suitable for industrial purpose was rather sold by respondent No. 5-Punjab State Industries and Export Corporation (hereinafter for short called as the 'PSIEC') to respondent No. 6- Dera @ 23.38 lacs per acre, which reveals, that fraud has been committed on the petitioners. Since the land acquired was not suitable for industrial purpose any further, for which it was acquired, the same was liable to

petitioners, rather the respondent illegally with a malafide intention sold it to respondent No. 6 and deprived the petitioners of their legal and vested rights.

8. The petitioners though have received the compensation amount, however the petitioners are ready to deposit back the entire compensation along with applicable interest as and when after de-notification, the acquired land is returned to the petitioners.

Inference of this Court.

9. It appears that the land of the 'Dera' was not acquired as it fell within the realm of clause 9.1 of the Standing Order No. 28 of the Govt. of Punjab, whereby there is a prohibition of acquisition being made of the land of a religious denomination, as is, the respondent No.6 - Dera.

10. The adherence to the above by the respondent concerned, in not acquiring land of the 'Dera' appears to be well founded as therebys the religious aspirations of a large component of the population, which thus becomes sub served by the 'Dera', rather do become ably facilitated. Moreover, it was only within the objective contemplation of the acquiring authority to opt to acquire the land of the petitioner(s) and not opt to acquire the land of the 'Dera'. Therefore, the said made contemplation by the acquiring authority when otherwise appears to be well founded for reason (supra), nor when appears to be ingrained with any active mala fides. Resultantly, this Court refrains from concluding that in the petitioner(s) land becoming acquired and the land of the 'Dera' becoming not acquired, thereby there has been any arbitrary exercising of the power of the eminent domain by the

11. Be that as it may, there is no further evidence adduced on record by the petitioner(s) suggestive, that the relevant purpose would not become served in case the petitioner(s) land is acquired and rather the public purpose would become sub served in case the land of the 'Dera' was rather acquired. Therefore, besides when even otherwise, the acquiring authority through deploying the expertise of the Engineering Cell at its command, thus can choose to acquire the land of the petitioner(s) and to not acquire the land of respondent No. 6 – 'Dera'. Moreover, if the Engineering Cell of the acquiring authority has chosen to acquire the petitioner(s) land on the premise that it would ably sub serve the public purpose, thereby, it is impermissible for this Court to tinker with the said layout plan drawn by the experts engaged by the acquiring authority.

12. Moreover, since the petitioner(s) have received the compensation amount thereby the petitioner(s) becomes estopped from challenging the notification for acquisition nor can the petitioner(s) merely in the garb of their showing their readiness and willingness to re-deposit the compensation amount rather can claim that a notification be issued rather for de-notifying the acquired lands.

13. Furthermore, when after completion of acquisition proceedings, the possession thereof became handed over to respondent No. 5-PSIEC, whereafter respondent No. 5, on a sale consideration comprised in a sum of Rs. 23.38 lacs per acre, thus sold it to co-respondent No. 6-Dera. Consequently, when religious congregations assemble at the subject lands, thereby they sub serve the public purpose.

purpose in the acquisition notification. However, when the dynamics of public purpose are ever changing and are not static, thereby also any digression from the initially stated public purpose in the acquisition notification to the public purpose (supra), thus also does not become stained with any palpable vice of any arbitrariness or nepotism. Predominantly, for the reason that the said change is also sub serving the public purpose, inasmuch as, its catering to the spiritual and religious needs of a sizeable section of the population.

Final order of this Court.

15. In aftermath, this Court finds no merit in the writ petition and is constrained to dismiss it.
16. The writ petition is accordingly dismissed but with the aforesaid observation(s).
17. The impugned acquisition notification(s) and the consequent thereto impugned award are maintained and affirmed.
18. No order as to costs.
19. Since the main case itself has been decided, thus, all pending application(s), if any, are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.02.2024
kavneet singh

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