



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.25762 of 2014
Date of Decision: 04.11.2024

Jasbir Singh and others
...Petitioners

Versus

State of Punjab and others
...Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sant Kashyap, Advocate for
 Mr. Arun Nehra, Advocate
 for the petitioners.

 Ms. Arundhati Kulshreshtha, AAG, Punjab
 for respondents No.1 and 3.

 Mr. Aman Kumar, Advocate for
 Mr. J.S. Chandail, Addl. Standing Counsel, UT Chandigarh,
 for respondent No.2.

G.S. Sandhawalia, J.(Oral)

The present writ petitioners seek directions for allotting land in lieu of the land acquired from their father and grandmother in the year 1953 for setting up of Capital Project of Chandigarh and for setting up of brick-kilns at Village Bhainsa Tibba.

2. The present writ petition was filed after 60 years in the year 2014 for seeking the said claim and a perusal as such of the writ petition does not go on to show that some order as such of the alternate land had been issued in their favour. The last affidavit filed by the Special Chief Secretary to Government of Punjab, Department of Revenue and



Rehabilitation, Punjab, in pursuance of the order dated 29.03.2023, would go on to show that the details have now come out and the said order reads as under:-

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GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE, REHABILITATION & DISASTER
MANAGEMENT
(From Revenue-2 Branch)
ORDER

That the applicant Shri. Jasbir Singh House No. 1552, Phase-5, Mohali has requested through the application dated Nil, that the land in the name of his grandfather Sh. Gurdit was acquired in the year 1951-52 for the Capital Project, at village Ram Nagar (now Chandigarh) and instead was allotted at village Mani Majra. But in the year 1959, the land allotted to them in Mani Majra was also got acquired The applicant has also stated in his application that his father Sh. Luchhman Singh was informed by the Allotment Authority that the land they wish to get allotted will be allotted once the decision is final as that matter is under review.

2. The applicant (Jasbir Singh) wrote to the Financial Commissioner, Revenue in the year 2008 that his request regarding allotment of land is pending for a long time and that land should be allotted in lieu of acquisition for Capital Project Chandigarh. In this regard a letter dated 19-11-2008 from the Financial Commissioner, Revenue was written to the Deputy Commissioner (DC) Ropar to take necessary action by verifying the documents related to the case. Later on, S.A.S Nagar was established as a new District and the record of the case was transferred to Deputy Commissioner S.A.S. Nagar, (Mohali) and the Deputy Commissioner S.A.S. Nagar, (Mohali) has not taken any action till date. The applicant has requested that 21 Standard Acres and 7 Units of land is available in Village Mullanpur Garibdass for those whose land had been acquired in the Capital Project, Chandigarh and the land may kindly be allotted here.



3. The applicant has filed CWP-21297-2016 and CWP-25762-2014 in the Hon'ble Punjab and Haryana High Court, on perusal of the same it has been found that the petitioner's grandfather Mr. Gurdit Singh was a resident of Village Ram Nagar (Now Chandigarh) and their property was acquired in the year 1951-52 for the establishment of Capital territory of Chandigarh and in this way they were Oustees of Capital Chandigarh, thus, to re-settle them, they were allotted land at village Mani Majra. This land remained under their possession for about a few years. After this, this land was acquired by the Government to set up a Brick Kiln and in lieu of this, on the request of the father of the petitioner, Mr. Lachman Singh was allotted 14 Kanals 2 Marla of land in Village Chatamla as he did not want monetary benefits in lieu of the land acquired by the government (Annexure-3).

4. That as per the Annexure-5 attached by the petitioner in the petition, they were allotted 14 Kanals 7 Marla of land in Village Chatamla in lieu of their land acquired in Mani Majra. The value of the land acquired from the petitioner and allotted to the petitioner at that time is as below:

Area in S.A. allotted in compensation and village of allotment	Amount/Rate
Cost of 1 Standard Acre 5-1/2 Unit to be Surrendered at Mani Majra @ Rs.883/- per ordinary acre (Rate of Village Ram Nagar where land has been acquired from him and at which rate he is to be paid in cash as per orders of P.W.M.)	1664/13/2
Cost of 1 Standard Acre 5-1/2 Units of Land of Village Chatamla @ 1001/- per ordinary acre	1764/4

This means that the land he was allotted was better and expensive than the land which was acquired, which was accepted by them The possession of the said land was taken by them on 27-09-1957.



5. Petitioner has attached "Compensation for cultivable land" as Annexure-1, with his petition/prayer which is stated as herein below-

(A) Compensation for cultivable land:

(a) Owner to be compensated into the form of land:

Allotment of cultivable land in compensation to the land owners, who applied for it has been made as given ion the Statement below in agreement with them.

No. of Owners	Total claim of Cultivable land I St. acres at Ram Nagar	Rehabilita tion on valuation and grade of the lands of village Ram Nagar	Area in S.A. allotted in compens ation and village of allotment	Valuation &/ Grade of the village of allotment according to Rehab. Dept.	Notification No. & date by which area in village of resettlement acquired or memo.or endt. under which acquisition notice sent to Govt. for publication
	S.A. Units	Val. Grade	S.A: Units	Val. Grade	
	132-15/- 1/4	0/11 – 1	132 – 15 – 1/4 (tangori)	132-/6/- 11	c-2248- 52/1451 Dt. 31-8-51
	2-5-1/4	0/11 – 1	2 5-1/4 (Ferozpur Kalan)	-/14/-1	c-6152--- 51/11/3822 7 Dt.2-11-51
	19-4-1/2	0/11 – 1	19 4-1/2 (Suketri)	-/14/-1	
	16-10/3/4	0/11 – 1	75- 10/3/4 (Mani Majra)	-/14/- 1	C-412- 52/139 Dt. 15-1-52
	75-10/3/4	0/11 – 1	16- 10/3/4 Lakhmi Rajputan	0/11/-1	

In the above-mentioned petition, in the last few columns of Annexure-1 of the petition, it has been found that the record of area of Village Mani Majra and Lakhmi Rajpura does not



match, which seems suspicious.

6. That apart from this, the applicant in his petition/applications has stated that his ancestors had given their consent to take possession for the disputed land in Village Chatamla, and that they will take care of the litigation on their own. But now, after changing their decision, they have given requests that the land be allotted to them in some other village.

7. From the perusal of the applications of the applicant dated NIL, it is clear that the petitioner was allotted land in Village Mani Majra in lieu of his land acquired from him at Village Ram Nagar and he had possession of this land for few years being the Oustees of Chandigarh. By doing this, he was given the benefit of being an Oustee of Chandigarh. After this, if his land has again been acquired from Mani Majra, it is only after his request and approval that he has been allotted 14 kanals 2 marla of land in Village Chatamla which was accepted by them as inferred from his petitions. The petitioner has also attached a copy of Annexure-6 of CWP-21297-2016 in his applications in which it is found that the Naib Tehsildar, Chandigarh on 04-11-1959 has proposed that in lieu of his land acquired in Village Ram Nagar, an appeal is pending before the Director of Consolidation Holdings which was filed under Section 42 and once it is decided the petitioner will be eligible to get 60 Acres land in Village Chatamla. According to Annexure-6, the proposal of the Naib Tehsildar dated 04-11-1959 is wrong because the petitioner was given land in Village Mani Majra in lieu of his land acquired from Village Ram Nagar, and the petitioner accepted this offer and exercised his right of being a Oustee of Chandigarh, 60 acres of land was never acquired from Village Mani Majra. The date and number of the pending appeal is no where mentioned in Annexure-6 and the petitioner in Annexure P-6 has neither attached any copies of the orders of the pending appeal nor has he mentioned about the orders of the appeal in the petition anywhere.

8. Other than this, Deputy Commissioner S.A.S. Nagar, has



sent an inquiry report as a reply to their Letter No 793/A.D.R.A dated 13-07-2023 in which it is stated that in the year 1952, 151 bigha 16 biswa land in Village Ramnagar of Sh. Gurdit Singh s/o Dalel Singh was acquired for the Chandigarh Capital Project. The land comes out to be 21 Standard Acre 7 Units. In lieu of this land, Gurdit Singh s/o Dalel Singh was allotted land in Mani Majra. This land was also acquired in 1957. When this land was acquired, the assessment cost of the land was Rs.28363.69 (Annexure A) and after this assessment an award 193/05.02.1960 was announced by the Collector, Chandigarh and the entry of the same was made in the register on 01-09 1960 by Lachman Singh s/o Gurdit Singh s/o Dalel Singh and collected Rs 25590.53 (Annexure B) and in lieu of the remaining amount, he was allotted 14 kanals 2 marla of Land in Village Chatamla (Annexure C). Lachman Singh took possession of this land and took the responsibility that he will take care of the ongoing litigation for that property. After this allotment, Gurdit Singh did not make a claim for the remaining land owned by him.

According to the report received from the office of Land Acquisition Officer, UT, Chandigarh vide letter No. 601616 dated 07-07-2023, according to the records of UT, Chandigarh, no representation has been received regarding the said land after 01.09.1960. (Annexure E). In the report of Deputy Commissioner, SAS Nagar it is clear that Jasbir Singh and others have no claim over the land.

9. *Along with this, 2 Civil Writ Petitions have been filed by the petitioner in the Hon'ble Punjab and Haryana High Court, Chandigarh being the Oustee of Chandigarh vide No.CWP-21297-2016 and CWP-25762-2015 which are pending. Due to the incomplete facts presented by the petitioner and the petitions which are pending in the Hon'ble Punjab and Haryana High Court, Chandigarh no decision can be taken at the administrative level. Apart from this, on the perusal of the report received by Deputy Commissioner S.A.S. Nagar and Land*



Acquisition Officer, U.T. Chandigarh it is concluded and informed to the applicant by supplying a copy of this report that the next course of action can only be taken after the Writ Petitions in the Hon'ble Punjab and Haryana High Court, Chandigarh are decided. The representation of the applicant is consigned to the record room.

Chandigarh, Dated 17.07.2023.

Sd/-

K.A.P. SINHA

Additional Chief Secretary-cum-

Financial Commissioner. Revenue Punjab

Vide No:13/216/2016-B-M-2(8)/8518. Chandigarh, Dated 17/7/23

A copy is thereof sent to Sh. Jasbir Singh House Number 1552, Phase 5, Mohali for information.

Sd/-

*Deputy Secretary, Government of Punjab
Department of Revenue"*

3. A perusal of the order dated 17.07.2023 (Annexure R-3/T) would go on to show that the land was acquired in the year 1951-52 at Village Ram Nagar (now Chandigarh) from the grandfather of the petitioners named Sh. Gurdit Singh and the land in lieu was allotted to them in Mani Majra, which was also acquired in the year 1959. Being Oustees of the Capital City Chandigarh, Gurdit Singh was allotted 14 Kanals 02 Marlas of land in Village Chatamla, which is stated to be in Tehsil Kharar, District Mohali. The allotment in the said order would go on to show that 14 Kanals 07 Marlas was, thus, the land which was allotted in lieu of the land acquired in Mani Majra. It has been stated that the possession of the said land was taken on 27.09.1957 and it has further been mentioned in the order that the land, which was allotted, was better and expensive than the land which was acquired and then, accepted by them. It has also been mentioned that out of the initial land which was acquired



from Village Ram Nagar, land has been allotted in Mani Majra, which was thus, acquired in 1957 and a sum of Rs.25,590.53/- was also given as an assessment as per the Award dated 05.02.1960, which was announced by the Collector, Chandigarh. In lieu of the remaining amount, he was allotted the land as mentioned above and after that, he did not make any claim.

4. In such circumstances, once the writ petitioners have already benefitted of the alternative allotment as such which had already been made to the petitioners, we are of the considered opinion that the writ petition itself is not maintainable having been filed by the third generation and by concealing the fact that the alternative allotment had already been made. Accordingly, we do not find that any direction can be issued after so many years especially once the petitioners and their families had already got the benefit of valuable land in Kharar, adjacent to Chandigarh.

5. Resultantly, we do not find any plausible reason to issue further directions as it is settled principle that the party which conceals the vital facts, is not entitled to be heard on merits, which is the case, which comes forth from the above facts. Reliance can be placed upon *M/s Prestige Lights Ltd. versus State Bank of India, 2007(8) SCC 449*. Accordingly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

04.11.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No