

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-20957-2019 (O&M)
Date of Decision: 16.01.2024

Shamsher Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl.AG., Haryana with
Mr. P.P. Chahar, Sr. DAG, Haryana and
Mr. Saurabh Mago, DAG., Haryana.

Mr. Ankur Mittal, Addl.AG., Haryana with
Mr. Kushaldeep K. Mandhanda, Advocate and
Mr. Shivam Garg, Advocate
for respondent-HSVP.

SURESHWAR THAKUR, J. (ORAL)

CM-16289-2019

For the reasons mentioned in the application, the same is
allowed.

Amended petition is taken on record.

CWP-20957-2019

1. Through the instant writ petition the petitioner's claim, the
assigning to them of the benefit of Clause 7 of the Policy dated 14.09.2018

(Annexure P-4), whereby the acquired lands which are averred to be yet not utilised be, thus, ordered to be released from acquisition.

2. For the reason to be assigned hereinafter, the above claimed writ relief cannot be assigned to the present petitioner.

3. Primarily for the trite reason, that it has been contended, in the reply on affidavit furnished to the instant writ petition, that the writ lands are an integral component of the layout plan, inasmuch as, they have been reserved for constructing thereons roads, besides are reserved as a green belt.

4. If so, the counsel for the petitioner cannot contend that given the petition lands remaining unutilised, thus they be released, from acquisition, nor he can in terms of the said clause of Policy Annexure P-4, claim releases from acquisition of the petition lands. Tritely the above claim has been negated in a judgment made by this Court in a case bearing ***CWP No. 12423 of 2023*** titled ***Anil Suri and another versus State of Haryana and others***.

5. It appears, that the unutilisation of the petitioners land, at the instance of the acquiring authorities occurred, only upon this Court restraining, the respondents from dispossessing the petitioner from the petition lands. Therefore, but, obviously when the unutilisation of the petitioners land, has but occurred on account of the petitioner accessing this Court, and, leading this Court, to make an order restraining the respondents from dispossessing, the petitioner from the acquired lands. Resultantly, thereby the petitioners cannot contend, that the acquired lands intentionally

remained not utilised, by the acquiring authority, nor they can contend that they be assigned the benefit of Clause 7 of the Policy (Annexure P-4).

6. Contrarily, it appears that through the institution of the instant petition, the petitioners are impeding and obstructing the furtherance of an imperative public purpose. The said obstructions as made by the present petitioner are required to be deprecated.

7. Even otherwise, reiteratedly the factum of non-utilisation or unutilisation of the acquired lands for a prolonged duration of time, has been declared, in a judgment made by this Court in a case bearing *CWP No. 12423 of 2023* titled *Anil Suri and another versus State of Haryana and others*, thus to not comprise the relevant factor, which may constrain courts to release such lands from acquisition.

9. Finding no merit in the instant writ petition, the same is dismissed.

10. All pending applications, if any, stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(HARSH BUNGER)
JUDGE

16.01.2024

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No