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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- (1)

CWP-24554-2017
Date of decision:27.05.2024
- DHARAM PAL AND ANR
- ...Petitioners
- Versus
- STATE OF PUNJAB AND ORS
- ...Respondents
- (2)

CWP-27611-2017
- SUSHIL KUMAR AND OTHERS
- ...Petitioners
- Versus
- STATE OF PUNJAB AND ORS
- ...Respondents
- (3)

CWP-30845-2018
- LAKSHMI DEVI
- ...Petitioner
- Versus
- STATE OF PUNJAB AND ORS
- ...Respondents
- (4)

CWP-30846-2018
- MASTAN SINGH
- ...Petitioner
- Versus
- STATE OF PUNJAB AND ORS
- ...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mohit Jaggi, Advocate
for the petitioner (in all cases).

Mr. Maninder Singh, Sr. DAG, Punjab.



Ms. Farheen Bajwa, Advocate for
Mr. Harsh Aggarwal, Advocate
for respondent No.2-GMADA (in CWP-24554-2017)

Mr. Manpreet Singh Longia, Advocate
for respondent No.2-GMADA (in CWP-27611-2017)

SURESHWAR THAKUR, J. (ORAL)

1. Since all the writ petitions arise from common notification(s), and, common thereto award becoming pronounced, therebys all the writ petitions are liable to be disposed of by a common verdict.

2. For the sake of brevity the contents are taken from CWP-24554-2017.

3. In the instant writ petition a prayer is made by the petitioners that the subject lands be released from acquisition. The said made relief is banked upon the factum, that when in respect of the lands, which were covered in the impugned notification, thus theirs becoming released to the appellants concerned, in Civil Appeal No.7424-2013 by the Hon'ble Apex Court, therebys the instant writ petitioners becoming entitled to receive parity of treatment vis-a-vis those land-losers concerned, whose lands were released from acquisition.

4. In making the above submission, the learned counsel for the petitioners makes reliance upon a verdict pronounced by the Hon'ble Apex Court in Civil Appeal No.7424-2013, titled as '**Karnail Kaur and others Versus State of Punjab and others**', wherebys the Hon'ble Apex Court after setting aside the verdict recorded by this Court thus in a bunch of writ petitions, whereby this Court had upheld the notification for acquisition, thus had proceeded to exempt or release the subject lands therein from acquisition. However, a perusal of paragraph No.7 of the reply on affidavit



furnished to the writ petition on behalf of co-respondents No.1 and 3, it is apparent that the present writ petitioners after receiving a verdict from this Court in the writ petition bearing No.CWP-7050-2011, whereby they made an unsuccessful challenge to the acquisition notifications, thus omitted to join the appellants in Civil Appeal No.7424-2013.

5. Consequently, the verdict recorded by the Hon'ble Apex Court in Civil Appeal No.7424-2013 whereby the Hon'ble Apex Court after setting aside the decision recorded by this Court, on 19.04.2011 in CWP-7050-2011, proceeded to exempt or release the lands of the appellants therein from acquisition, thus is a verdict *in personam*. Consequently, the said verdict is applicable only to the litigants in the Civil Appeal (supra), thereupon when it is not a verdict *in rem*, resultantly it is inapplicable to the present petitioners, who did not join the array of litigants in the Civil Appeal (supra).

6. Consequently, thereby this Court cannot agree with the submissions of the learned counsel for the petitioners, that the present petitioners be treated at par with the appellants in Civil Appeal No.7424-2013, whereby the subject lands thereins become released from acquisition.

7. Disposed of accordingly.

8. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

27.05.2024

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(LALIT BATRA)
JUDGE