

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

**CM-12459-CWP-2023 and
RA-CW-268-2023 with
CM-18618-CWP-2023 in
CWP-10228-2023
Date of Decision: April 26, 2024**

ANIL KUMAR GOYAL

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Ranjeet K. Jaswal, Advocate for the applicant-petitioner.

LISA GILL, J.

1. Prayer in RA-CW-268-2023 is for review of order dated 11.05.2023 whereby writ petition was dismissed as withdrawn.
2. Writ petition was filed by applicant seeking direction to respondents to release/denotify land of petitioner measuring 3 bighas 12 biswas as the same, it is stated, was no longer required for public purpose. Direction to respondents to consider and decide his representation dated 12.01.2023 for release/denotification of land in terms of Section 101A of Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013 Act (for short – ‘the Act) was also sought. Petitioner had earlier admittedly filed CWP-11391-2019 seeking release of his land vide notifications dated 02.03.1993 and 01.03.1994 under Sections 4 and 6 respectively of Land Acquisition Act, 1894. Said writ petition was dismissed vide detailed order on 25.07.2022 (Annexure P5) wherein it is specifically noted that petitioner had duly received compensation. Moreover, development plan had already been carried out. Reference was made to reply filed by the Land Acquisition Collector in CWP-11391-2019, wherein 2804 residential plots were carved out and 2558 plots were allotted with about 600 houses constructed and 300 houses had been occupied. Petitioner was also noted to be a subsequent vendor. Possession of acquired land had been handed over to Estate Officer, HSVP Panipat vide Rapat No. 209 dated 28.02.1996. Development as per plan was noted to have clearly commenced, hence, petitioner was not entitled to release of land for acquisition.

3. When faced with this prospect learned counsel representing the applicant at that point of time had withdrawn the writ petition. Today learned counsel representing applicant-petitioner vehemently argues that even though it is mentioned in Power of Attorney that counsel is at liberty to withdraw writ petition, however, in the present case, specific instructions were never given to counsel to withdraw. In the given factual matrix where learned counsel for applicant/petitioner submits that prejudice has been caused to petitioner by said counsel not apprising the Court that present petition has now been filed claiming relief under Section 101A of the Act, though for the same relief, we would have decided the matter itself on merits today but it is to be noted that this is a Special Bench with the subject Roster being before another Regular Bench.

4. Therefore, keeping in view the facts and circumstances, delay of 50 days in filing this application is condoned subject to deposit of Rs.10,000/- as costs, to be deposited with PGIMER Poor Patients Welfare Fund.

5. Order dated 11.05.2023 is recalled.

6. List as per roster.

7. Review application is, accordingly, disposed of.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

April 26, 2024
Rts

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