

2024:PHHC:101965-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CWP-18732-2024

Decided on : 08.08.2024

Jagdish Singh & others

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.Ashwani Talwar, Advocate
Mr.Gandharv, Advocate for the petitioner (s).

Mr. Ankur Mittal, Addl. AG, Haryana
Mr. Saurabh Mago, DAG, Haryana, for the respondent-State

Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep K. Manchanda, Advocate
Ms.Naina Jindal, Advocate for respondents No.2 & 3-HSAMB
and for respondents No.4 & 5-HSVP.

G.S. Sandhawal, J.(Oral)

1. Challenge in the present writ petition, filed under Article 226 of the Constitution of India is to the letter dated 19.06.2024 (Annexure P-12) whereby the Estate Officer, HSVP, Karnal has written to the Zonal Administrator, HSMB, Karnal, granting opportunity to transfer the land for the proposed 30 meter wide road at the earliest to the HSVP, Karnal so that construction of the road can be done in the Grain Market, Assand and to hand-over the physical possession. Similarly, directions are sought to develop the extension of the Grain Market, Assandh over the entire area of 37 acres, 2 kanals and 10 marlas, as per the approved site-plan (Annexure P-4).

2. The locus of the petitioners is suspect as per the pleadings itself as they are having agricultural land in the vicinity and working as Commission Agents in the Grain Market. Apparently, they are not owners of the land and it belongs to the Marketing Board which has admittedly been acquired at an earlier point of time and which was subject matter of consideration in CWP-22084-2013 titled *Ompal Attri & others Vs. State of Haryana & others*, which

was dismissed on 29.10.2015 (Annexure P-3). In pursuance of the same, the Marketing Board is developing the area whereby the booths and entry of the gates had been specified in the site-plan and for extension of the market area.

3. We have seen the site-plan. Apparently, in order to provide access to bifurcating road, there is a proposal to create a 30 meter wide road so that the traffic does not spill on to the main Highway on which the land of the Grain Market abuts. As the land vests with the State authorities, we are of the considered opinion that the change of user cannot be objected to by the petitioners who are neither owners of the land as the land vests in the State after the acquisition proceedings. Reliance can be placed upon the judgment passed in **Union of India & others Vs. Jaswant Rai Kochhar & others, (1996) 3 SCC 491** whereby the issue was whether the validity of the acquisition proceedings was challengeable on account of change of use. It was accordingly held that once the land vests with the State, the landowners are no one to dictate the terms in which way the acquired land can be utilized. The pleas with respect to change in planning and change in public purpose are not the grounds on which the acquisition proceedings can be challenged or interfered and nobody can obstruct the development process.

4. Once the land had been acquired for the public purpose and is being utilized for the purpose of road, it is for the competent authority to take a call on the issue and they are best placed to say how the land is to be utilized for the welfare of the general public. In such circumstances, we do not wish to interfere in the present writ petition under Article 226 of the Constitution of India.

5. Resultantly, in view of the above discussion, the present writ petition stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

08.08.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No