

CWP-27491-2018 (O&M) and other connected cases

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CWP-27491-2018 (O&M)
DATE OF DECISION: 04.10.2024

GURCHARAN SINGH AND ANOTHER
.....PETITIONERS

Vs.

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

2. CWP-27492-2018 (O&M)

MANJIT SINGH
.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

3. CWP-27493-2018 (O&M)

JASBIR SINGH
.....PETITIONER

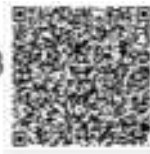
Vs.

STATE OF HARYANA AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Satish Kumar, Advocate, for
Mr. Pavan Malik, Advocate,
for the petitioner (s).

Mr. Ankur Mittal, Addl, A.G., Haryana, with
Mr. Saurabh Mago, D.A.G., Haryana.

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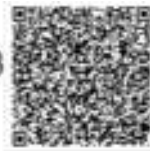
Mr. Ankur Mittal, Advocate, with
Ms. Kushaldeep Kaur, Mr. Siddharth Arora, and
Ms. Naina Jindal, Advocates, for the HSVP.

G.S.SANDHAWALIA, J. (ORAL)

1. This order shall dispose of the aforementioned 3 writ petitions as common issue is involved therein. Pleadings have been extracted from **CWP-27491-2018 (Gurcharan Singh and another vs. State of Haryana and others)**.

2. The challenge in the present petition is to the notification dated 24.05.2018 whereby the State amendment by way of the Haryana Act No. 21 of 2018, Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Haryana Amendment Act) 2017, (for short the 'Act of 2017') was brought into force giving power to de-notify the land acquired for public purpose under the Land Acquisition Act, 1894 (for short the 'Act of 1894') on the grounds of non-viability or non-essentiality. However, the Act of 2017 was apparently given retrospective effect coming into force on 1st day of January 2014 which would be from the date of enforcement of the Principal Act, 2013 itself.

3. The cause of action of the petitioners is on account of the de-notification which was done regarding the land, which was acquired on 12.08.2009 under Section 4 and on 11.08.2010 under Section 6 of the Act of 1894 (Annexures P-3 and P-4, respectively). The resultant Award was passed on 06.08.2012 (Annexure P-5). The acquisition was thus complete under the Act of 1894, which was de-notified, vide notifications 31.03.2017 and 11.04.2017 (Annexures P-11 and P-12, respectively). The

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amendment has taken place thereafter and the cause of action thus, regarding the denotification was under Section 101 and not under Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. We have already allowed writ petitions by passing a detailed order on 27.09.2024 in CWP-10259 of 2017 (**Mohammad Mamman** vs. **State of Haryana and others**) disposing of 35 writ petitions. By passing a separate order on 03.10.2024 in CWP-8398-2017 (**Harish Kumar @ Harish Malik** vs. **State of Haryana and others**), 24 writ petitions were also disposed off and also by passing another order dated 03.10.2024 in **CWP-27929-2018 (Shamsher Singh Malik and others vs. State of Haryana)** we disposed of 08 petitions.

5. Resultantly, we are of the considered opinion that the petitioners have no cause of action as the said petitions itself have been allowed and secondly, the amendment under Section 101-A of the Act of 2017 does not in any manner effect them.

6. Resultantly, the present petitions are disposed of as having been rendered infructuous.

7. Pending miscellaneous application (s), if any, shall also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

October 04, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking
Whether Reportable

Yes
No