

CWP-27929-2018 (O&M) and other connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CWP-27929-2018 (O&M)  
DATE OF DECISION: 03.10.2024

SHAMSHER SINGH MALIK AND OTHERS  
.....PETITIONERS

Vs.

STATE OF HARYANA AND OTHERS  
.....RESPONDENTS

2. CWP-27930-2018 (O&M)  
SHAMSHER SINGH MALIK AND OTHERS  
.....PETITIONERS

Vs.

STATE OF HARYANA  
.....RESPONDENTS

3. CWP-29142-2018 (O&M)  
MOHIT MALIK AND ANOTHER  
.....PETITIONERS

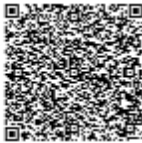
Vs.

STATE OF HARYANA  
.....RESPONDENT

4. CWP-29186-2018 (O&M)  
RAJ RANI  
.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS  
.....RESPONDENTS



CWP-27929-2018 (O&M) and other connected cases

5.

CWP-29193-2018 (O&M)

SUNITA

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

6.

CWP-29194-2018 (O&M)

RAJ RANI

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENTS

7.

CWP-29235-2018 (O&M)

HARISH KUMAR @ HARISH MALIK

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

8.

CWP-19995-2018 (O&M)

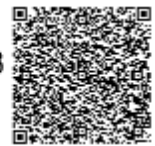
SHAMSHER SINGH MALIK

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CWP-27929-2018 (O&M) and other connected cases**

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

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

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

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

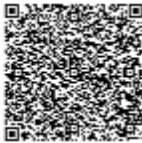
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**G.S.SANDHAWALIA, J. (ORAL)**

1. This order shall dispose of the aforementioned 8 writ petitions as common issue is involved therein. Pleadings have been extracted from **CWP-27929-2018 (Shamsher Singh Malik and others vs. State of Haryana)**.

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 1<sup>st</sup> 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



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of 1894. The resultant Award was passed on 06.08.2012 (Annexure P-6). 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 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 and by passing a separate order in CWP-8398-2017 (Harish Kumar @ Harish Malik vs. State of Haryana and others), disposing of 24 writ 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 03, 2024  
nitin

(HARPREET KAUR JEEWAN)  
JUDGE

|                    |     |
|--------------------|-----|
| Whether Speaking   | Yes |
| Whether Reportable | No  |