



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.8513 of 2018
Date of Decision: 21.08.2024

Sarupi and another
.....Petitioners.
Versus
State of Haryana and others
.....Respondents.

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

Present:- Ms. Anita Balyan, Advocate
 for the petitioners.

 Mr. Ankur Mittal, Addl. A.G, Haryana with
 Mr. Saurabh Mago, DAG, Haryana
 for respondents No.1, 3 and 4.

 Mr. Ankur Mittal, Advocate with
 Ms. Kushaldeep K. Manchanda, Advocate
 for respondent No.2-HSVP.

 Mr. Munish Gupta, Advocate
 for respondent No.5.

G.S. SANDHAWALIA, J.(Oral)

The challenge herein is to the notification dated 28.03.2012 (Annexure P-2) initiating the proceedings under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the consequent proceedings under Section 6 of the Act dated 18.03.2013 (Annexure P-5). The challenge has also been raised to the order dated 26.09.2017 (Annexure P-7) passed by the Director, Urban Estates Department, Haryana, wherein land of the



petitioners comprised in Khasra No.343/24 min (6-0) and 343/25 min (2-0) situated within the revenue estate of Village Garhi Bohar, District Rohtak was stated to be acquired illegally and arbitrarily for the purpose of providing amenities to the private builder, namely, M/s Omaxe Private Limited-respondent No.5.

2. While issuing notice of motion on April 05, 2018, the following observations were made by the Co-ordinate Bench:-

“It is contended, inter-alia, that observation made by this Court in para No.9 of the order dated 19.12.2016 passed in earlier writ petition of the petitioners, i.e CWP No.4699 of 2015, has not been dealt with in the impugned order.

Notice of motion for 01.08.2018.

Meanwhile, status-quo re: possession be maintained.”

3. While perusing the impugned order dated 26.09.2017 (Annexure P-7), the following order was passed by one of us (G.S. Sandhawalia) on 13.02.2023:-

“Perusal of the reply filed also does not clarify what was noticed by the Co-ordinate Bench at the time of issuing the notice.

The speaking order dated 26.09.2017 (Annexure P-7) does not specify whether the 14-marla plots which are shown as Annexure R-1 are the one which are developed by HUDA now (HSVP) or whether by the private respondent builder namely



OMAXE. Neither the reply also clarifies this aspect. The site plan now filed by the State also does not depict as to how the land across the road is also to be utilized, which the petitioner alleged in his site plan to be available which is in total 08 kanals pertaining to the petitioner.

Let better affidavit be filed regarding this aspect and a correct site plan also be filed showing the location of 08 kanals of land even across the road, if any, and the proposed usage.

Adjourned to 25.04.2023.”

4. An affidavit dated 04.09.2023 of the Land Acquisition Collector, Urban Estate, Rohtak, has been filed, wherein it has specifically been averred as under:-

“4. That the map clearly depicts that no land of the petitioners fall across the road and the land of the petitioner is affecting the planning of 15 no. plots measuring 14 Marla each, 12 meter service road and 45 meter wide sector diving road of HSVP. The said plots are being developed by HSVP. That being so, the petitioner has no right to challenge the acquisition at hand as in her own petition filed earlier bearing CWP No.4699 of 2015 decided on 19.12.2016 this Hon’ble Court has categorically held that if the acquisition is meant for carving out plot by HUDA – a govt. agency purpose of acquisition can be safely termed as bonafide and



in public interest. As stated above the land is being developed/would developed in future by HSVP only and will not be surrendered to the private builders on the pretext of exchange or otherwise.

5. *That the award pertaining to the land measuring 8.09 acres of both villages has been announced on 17.03.2015 as per the provision of the LARR Act 2013 and the possession was handed over to Estate Officer, HUDA, Rohtak on the same day. Entry of this effect was also entered in the rapat roznamcha of halka patwari vide rapat No.207 dated 17.03.2015 of village Garhi Bohar and rapat No.285 dated 17.03.2015 of village Pehrawar. Copy of award No.15 dated 17.03.2015 is annexed herewith as **annexure R-1** the present writ petition was filed after passing of award. Therefore the present writ petition is not maintainable at this stage.*

6. *That the land in question falls in the planning for the 14 Marla size plots (15 no) as well for internal sector Road and 45 meter wide Sector diving road.”*

5. We have also perused the earlier order dated 19.12.2016 passed by the Co-ordinate Bench in **CWP No.4699 of 2015** titled as **Sarupi and another Versus State of Haryana and others** on the basis of which notice of motion was issued in this petition. The Co-ordinate Bench, at that point of time also, was of the opinion that the land was acquired for the



benefit of the builder and had directed that the speaking order be passed.

The relevant part of the observations made in para No.9 of the said order reads as under:-

“(9) From the two site plans appended by the petitioners with the writ petition, it appears that their acquired land consists of two parcels, one measuring 6 kanal and the other measuring 2 kanal. There is a 45 meter wide road dividing the petitioners’ land as also of the private builder and Sector 26, Rohtak. If the petitioners’ site plans are to be believed, HUDA has neither carved out any plots at the acquired site nor does it has any plans to develop the said site for any other public purpose. One gathers an impression that the petitioners’ land has been acquired so that no private property remains between the 45 meter wide road and the Builder’s project. Unfortunately, the Administrator, HUDA though has made sweeping averments that the acquired land of the petitioners is affecting the planning of 14 marla plots but has chosen not to attach any layout plan of the Sector. On the other hand, the private builder claims that the petitioners’ land had been acquired for the 45 meter wide road, which in fact is already in existence.”

6. We have also perused the site plan produced by the counsel for the State which would go to show that the averments made in the affidavit, now, filed are correct to the extent that 08 Kanals land which is



stated to be across the road would be now subsumed in the 45 meter wide sector diving road of HSVP. The factual matrix is that the plots have been developed by the said Government Authority, as already averred by the Competent Authority in the affidavit dated 04.09.2023. Thus, the whole argument as such on the basis of which notice of motion was issued, does not survive in view of the categorical stand taken by the respondent-State.

7. Resultantly, we dismiss the present writ petition vacating the stay order granted at the time of issuing the notice of motion.

(G.S. SANDHAWALIA)
JUDGE

August 21, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No