

In the High Court of Punjab and Haryana at Chandigarh

[122]

CWP-3867-2024
Date of Decision: 20.02.2024

RAJBIR AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Abhimanyu Singh, Advocate for the petitioners.

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

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioners seek issuance of a writ in the nature of mandamus directing the respondents concerned, to release the extra portion of land of the petitioners i.e. *04 Karams*, as comprised in *Rect. No.40 Killa No.24/1, situated at Village Begampur Khatola, Tehsil Kadipur, District Gurugram*. The above mandamus is premised upon a policy for release of the acquired lands dated 14.09.2018 (Annexure P-6).
2. The further reason as becomes espoused by the petitioners to claim the writ reliefs (*supra*), is rested on the factum, that the abovesaid 04 karams of land, is falling outside the sectoral road, and, as such, is both unessential and unviable in any manner, thus for sub-serving the plyings of vehicles on the sectoral road.
3. Initially, since it is admitted in paragraph No.6 in the present petition, that the petitioners have received the compensation, thus, in terms of the Award, as became made by the Ld. Land Acquisition Collector concerned, in the year 2016, thereby, the instant writ petition which has been belatedly

filed therefrom, but is hit by the vices of gross delay and laches, and, is required to be dismissed, the same being completely misconstituted.

4. Be that as it may, the claim for releases of the subject lands could have been well raised only before the present petitioners receiving compensation under the Award (supra), as became made by the Ld. Land Acquisition Collector concerned. However, when it is stated (supra), that the petitioners have received the compensation amount, as became determined through an Award made in the year 2016 by the Ld. Land Acquisition Collector concerned, therebys, they are completely estopped to claim, the makings of a mandamus upon the respondents concerned, for, therebys, the latter proceeding to exempt or release their acquired lands from acquisition.

5. Since the acquired lands fall alongside a sectoral road, and, though the sectoral road may have been assigned to a private builder, yet even if the acquired lands are not part of the sectoral road, besides, even if the sectoral roads have been assigned to the private builder concerned, yet the fact that the patch of acquired lands carrying a minimal area of 04 karams, is alongside the sectoral road, thereby, but when with the increase in traffic on the sectoral road, thereupon when may arise the necessity of expanding the sectoral road, thereby the subject lands which lie alongside the sectoral road, would thus, become a part of the sectoral road concerned, thus, along with which the subject lands exist.

6. If so, there is no capacity whatsoever in the present petitioners to claim that the said lands be released or exempted from acquisition, merely on the ground that they fall alongside the sectoral road. Furthermore, the contemplations in respect of the unessentiality or financial unviability qua the retention of the acquired lands, is to be squarely made by the acquiring

authority, and, the present petitioners do not have any leverage to make any

contemplation on behalf of the acquiring authority, to the extent that the subject lands will never sub-serve the relevant public purpose.

7. For all the reasons above-stated, this Court finds no merit in the present writ petition, and, is constrained to dismiss the same, given it for all the reasons(supra), being completely misconstituted.
8. Accordingly, the present petition is dismissed.

(SURESHWAR THAKUR)
JUDGE

(LALIT BATRA)
JUDGE

February 20, 2024
ANJAL

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