



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.24366 of 2024

Date of Decision: 23.09.2024

Mohan Lal

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Ankur Kaushik, Advocate
 for the petitioner.

G.S. SANDHAWALIA, J.(Oral)

The claim of the petitioner in the present writ petition filed under Article 226/227 of the Constitution of India is for release of the land owned by him under Section 101 and 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act') and to decide the representation dated 30.11.2023 (Annexure P-7).

2. Apparently, the land of the petitioner falling in Khewat/Khatoni No.110/151, Rect. No.7, Killa No.5 (0-12), 6 (3-16), total measuring 04 Kanals 08 Marlas situated within the revenue estates of Village Palla, Tehsil and District Faridabad (for short 'the land in question') was acquired way back vide Award dated 05.11.1973 (Annexure



P-2). An attempt, firstly, to nullify the said acquisition proceedings was made by the petitioner by filing the civil writ petition bearing **CWP No.9679 of 2015** on the ground of release of land from the acquisition. The said writ petition was dismissed vide order dated 27.01.2023 (Annexure P-6) passed by the Co-ordinate Bench headed by the then Hon'ble the Chief Justice, while observing that the matter involved in that petition was squarely covered by the decision of the Constitutional Bench of the Apex Court in **Indore Development Authority Vs. Manoharlal & others, (2020) 8 SCC 129**.

3. It is in such circumstances, the representation, apparently, was moved on 30.11.2023 (Annexure P-7) which is, now, sought to be processed from the respondents on the ground that the land in question is not essential for the acquisition purpose and is unviable and non-essential.

4. Perusal of paragraph No.7 of the reply filed on behalf of the respondent-State in the earlier round of litigation, i.e **CWP No.9679 of 2015**, would meet the answer regarding the viability aspect also. The same reads as under:-

“That it is respectfully submitted that the land in question has already vested in the State. The acquisition is complete. The land in question is very much essential to complete the development work as per the planning. The land of the petitioners affects 100’-0 wide sector dividing road of Sector 36 and 37, Faridabad as per the development plan.”

5. Thus, the said fact would go on to show that the land in



question is required to complete the development work as it affects 100'-0 wide sector dividing road of Sector 36 and 37, Faridabad as per the development plan. In such circumstances, we are of the considered opinion that the resort to file the representation is only an effort to hold on to the land in question as held by Hon'ble Supreme Court in *Ram Swaroop (Dead) through LRs and another Versus State of Haryana and others, SLP (Civil) No.16421 of 2021, decided on 15.11.2021* and this fact has also been considered by the Apex Court in the earlier judgment in *Raghubir Singh and another Vs. State of Haryana and others, 2021 AIR SC 5028* to come to the conclusion that the essentiality and non-viability is to be seen from the angle of the State and not from the landowners.

6. Thus, in the present writ petition, once a specific stand has already been taken by the petitioner regarding the essentiality and viability in the earlier round of litigation, we do not deem it appropriate that the whole exercise is required to be repeated by deciding the representation as claimed in the present writ petition.

7. Resultantly, the instant writ petition stands dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

September 23, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No