



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.28021 of 2022
Date of Decision: 26.09.2024

Bhag Singh
...Petitioner

Versus

State of Punjab and others
...Respondents

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

Present:- Mr. Mohit Jaggi, Advocate
 for the petitioner.

 Ms. Arundhati Kulshreshtha, AAG, Punjab
 for respondents No.1 and 4.

 Ms. Monica Chhibber Sharma, Advocate
 for respondents No.2 and 3 .
 (joined through Video-Conferencing)

G.S. Sandhawalia, J.(Oral)

The prayer in the present writ petition is for quashing of the notification dated 21.02.2000 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for short ‘the Act’) and the subsequent proceedings initiated under Section 6 of the Act on 02.02.2001 (Annexure P-3) and Award bearing No.481 dated 07.05.2001 which is also subject matter of challenge.

2. The stand of the State as such is that the amount of compensation of the land in question belonging to the petitioner measuring



03 Kanals 12.75 Marlas already stands deposited. It is to be noticed that firstly the challenge as such to the proceedings is at the belated stage whereas certain other land-owners being unsuccessful before this Court, could get relief from the Apex Court in *Civil Appeal No.7424 of 2013* titled '*Karnail Kaur and others vs. State of Punjab and others*' decided on 22.01.2015 (Annexure P-5). In pursuance of the said adverse order being passed against the State, the State had chosen to give some relief, finding the land as essential and had chosen to take over the land by entering into the arrangement for land pooling in the form of Special Package.

3. The petitioner as such was never part of the first round of litigation and cannot seek the same benefit as the compensation already stands deposited and after the Award has been passed, the land has vested with the respondents. The belated stage, when the present petition has been filed in which the counsel has, now, pressed the second prayer that the benefit of the Land Pooling Scheme issued vide Public Notice dated 19.04.2016 (Annexure P-6) be also granted to him and his representations (Annexures P-13 to P-15) dated 25.11.2022 be considered. It is to be noticed that the writ petition has also been filed at a belated stage after a period of 07 years from issuance of the public notice.

4. In similar circumstances, where the land-owner had failed to challenge the acquisition proceedings and had accepted the decision of the authorities and the said persons never prayed as such to be impleaded at par with the other land-owners, who were successful before the Apex Court. Resultantly, it is apparent that the Special Package Scheme, thus, was only



for the benefit of the persons who were part of the litigation on account of being successful before the Apex Court. The relevant clause reads as under:-

***“(‘Rozana Ajit’ Dated 19.04.2016)
Greater Mohali Area Development Authority
Sahibzada Ajit Singh Nagar
(Public Notice)***

The Authority of GMADA has decided to acquire land from the land owners under section 28 of the Punjab Regional and Town Planning and Development Act, 1995 the acquisition of which had been quashed by Hon’ble Supreme Court vide order dated 22.01.2015 measuring approximately 102 acre falling in sector 76-80, keeping in view geographical situation of the land quashed and to complete development of sector 76-80 as per special package given below:-

- 1. This special package shall be applicable only to the land measuring 102 acre approximately which was being acquired for complete development of sector 76-80, the acquisition of which had been quashed by Hon’ble Supreme Court vide order dated 22.01.2015 or is being effected due to this order.”*

5. The petitioner having chosen to accept the acquisition proceedings for 03 Kanal 12.75 Marlas of his share of land, now, cannot turn around and also say that the benefit as such of the Special Package Scheme be given to him once he was never part of the bunch of the land-owners, who had chosen to litigate successfully before the Apex Court. His amount has been duly compensated and stood deposited with the LAC and thus, would cut his hands as such to claim his right for the benefit of the Special Package Scheme which was only limited to the extent of the land-owners, who were successful before the Apex Court.



6. In such circumstances, we are of the considered opinion that no case is made out to give directions to the respondents to decide the representation and the present writ petition is accordingly dismissed

(G.S. SANDHAWALIA)
JUDGE

26.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*