



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.30009 of 2022 (O&M)
Date of Decision: 13.11.2024

Surinder Pal and others

...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. Sumitra, Advocate for
 Mr. Vikram Singh, Advocate
 for the petitioners.

Mr. Ankur Mittal, Additional A.G., Haryana with
Mr. Saurabh Mago, D.A.G., Haryana
for respondents No.1 and 5.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate
for respondents No.2 to 4.

G.S. Sandhawalia, J.(Oral)

The challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is in the roundabout manner on the decision of the application under Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'). The notification in question is dated 19.05.2003 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') and dated 14.05.2004 issued under Section 6 of the Act of 1894 and the Award was passed on



12.05.2006 (Annexure P-1), which attained finality. On the ground of lapsing, the first round had been initiated under Section 24(2) of the Act of 2013 and **CWP No.7758 of 2018** titled '**Dharampal versus State of Haryana and another**' was filed by Dharampal-petitioner No.5, which was dismissed as withdrawn vide order dated 18.05.2023.

2. It is pointed out that the land-owners are only petitioners No.4 & 5 and as per record, petitioner No.4 was owner of the land measuring 00 Kanal 18 Marlas comprised in Khasra/Killa No.133//4/2/2 (0-18) and petitioner No.5 was owner to the extent of 15/202 share (0-9-Marlas) in the land measuring 06 Kanals 04 Marlas comprised in Khasra/Killa No.133//6/1(202), 5 min (4-2) situated in the revenue estate of Village Hisar, District Hisar, Hadbast No.146. It has also been mentioned that the amount in question to the tune of Rs.1,86,487/- has been received by petitioner No.4 and Rs.2,33,108/- plus Rs.3,17,889/- (in total Rs.5,50,997/-) has been received by petitioner No.5 vide cheque No.431283 dated 03.07.2007 and cheque No.431301 dated 06.11.2007 respectively.

3. The first round of litigation, as noticed, was dismissed as withdrawn on 18.05.2023 in **CWP No.7758 of 2018** with liberty to file the application under Section 101-A of the Act of 2013. The rebuttal by the State as such is to the viability and the essentiality as under:-

“9. That as per report of District Town Planner, Hisar, the land in question affects the planning of the Sector i.e. existing Raipur Road is to be widened 45 mtr. Road & Service Road 12 mtr. wide and HSVP land, so it cannot be released from acquisition. Therefore, the land



*in question is fully utilized. Therefore, the public purpose is essential and viable. The copy of the Layout Plan is enclosed herewith as **Annexure R-1.**”*

4. In such circumstances, the *locus-standi* has been seriously questioned as such of petitioners No.1 to 3 for not being the owners whereas petitioners No.4 and 5 having received the compensation, now, cannot turn around and ask for release of the land on the ground of essentiality for the need is already met out. Resultantly, there is no merit in the present writ petition and the same is dismissed accordingly.

(G.S. SANDHAWALIA)
JUDGE

13.11.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No