



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CWP-3307-2025

Date of Decision: 25.02.2025

Harchand Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI

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

Mr. Shekhar Verma, Additional Advocate General, Punjab.

Mr. M.S.Longia, Advocate
for respondent No.3 – GMADA.

Sureshwar Thakur, J. (Oral)

1. The writ petition arises from notification(s) issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'), besides also arise from declaration(s) issued under Section 6 of the 'Act of 1894'.

2. Mr. M.S.Longia, Advocate has filed today before this Court, a validly executed Vakalatnama in his favour by respondent No.3 – GMADA, as well as reply along with annexures, which are taken on the record.

3. In a Bunch of 56 writ petition(s), bearing CWP No.7050-2001 and connected cases, a challenge was made to the launching of the acquisition proceedings in respect of the subject lands. However, through a common judgment made on 19.04.2011, upon the said bunch of writ petition(s), the



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said challenge failed. Naturally therebys, the launched acquisition proceedings in respect of the subject lands became upheld.

4. However, some of the aggrieved from the judgment (supra) passed by this Court made a motion thereagainst before the Hon'ble Supreme Court. On the relevant Civil Appeal bearing No.7424 of 2013 titled as **Karnail Kaur and Others Vs. State of Punjab and Others**, the Apex Court after considering the fact, that the therein appellants rather were entitled to become endowed the benefit of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter for short called as 'the Act of 2013'), thereupons, in the hereinafter extracted operative part of the said verdict, the Apex Court allowed the appeals of the therein appellants, and, proceeded to declare the acquisition proceedings in respect of the subject lands, to become lapsed.

“The above said amendment has come into force w.e.f. 01.01.2015. With due regard to the same, we are of the view that the amendment would not be applicable to the case on hand for the reason that these appeals were pending much prior to the ordinance and also the applications under Section 24 (2) of the Act of 2013 were filed prior to the amendment to Section 24 (2) by Ordinance and the same were heard and reserved for orders on 28.10.2014 and therefore the Ordinance in so far as insertion of proviso to the above Section by way of an amendment is prospective.

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22. In view of the aforesaid findings and reasons recorded by us, the acquisition proceedings in respect of the appellants' land



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have lapsed...”

5. Be that as it may, the hereinabove underlined portion of the operative part of the verdict rendered by the Hon'ble Apex Court on **Civil Appeal No.7424 of 2013**, is of extreme relevance, as thereins, the benefit of the lapsing provisions, as became endowed to the land losers concerned rather became restricted only to the appellants thereins.

6. The learned counsel appearing for the present petitioner, does not dispute, that the present petitioner was not the appellant in the said laid civil appeal before the Apex Court, therebys, but naturally the judgment passed by this Court on 19.04.2011, upon, a bunch of 56 writ petition(s) bearing No. **CWP-7050-2001 and connected cases**, wherebys, the acquisition proceedings, became declared to become successfully launched therebys, in-so-far as the present subject lands are concerned, but does acquire complete effectivity and conclusivity. Moreso, when it is also not controverted by the learned counsel for the petitioner, that the entire determined compensation amount, also has been received by the present petitioner.

7. Being so, the present petitioner through instituting the instant writ petition before this Court, appear to, despite the Apex Court, in the above alluded to operative part, as occurs in a verdict rendered upon **Civil Appeal No.7424 of 2013**, titled as **Karnail Kaur and Others Vs. State of Punjab and Others**, rather restricting the benefit of Section 24 (2) of the Act of 2013, to the appellants therein, yet have proceeded to, seemingly circumvent, the said verdict, through theirs making an ill plea, founded upon yet applicability to them, vis-a-vis the mandate of Section 24(2) of the Act of 2013.

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8. The said endeavour was required to be avoided, as therebys if the said motion succeeds, thereupons, this Court would proceed to unnecessarily disturb, the conclusive and effective rendition of the verdict, as became pronounced by the Hon'ble Apex Court in Civil Appeal (supra), wherebys, only to the appellants therein, the benefit of Section 24 (2) of the Act of 2013, was endowed, whereas, qua those, who were not arrayed as appellants, rather the benefit of Section 24 (2) of the Act of 2013 rather was declined, especially when one amongst the persons' to whom the benefit of the said declaration, thus was not to be endowed was the present petitioner, as he was not arrayed as an appellant in the said civil appeal.

9. Naturally, only if the said judgment was successfully reviewed at the instance of the present petitioner, on a motion being made by the present petitioner, thereupon alone the present subsequent endeavour, as made by the present petitioner would be a well made endeavour.

10. Without further commenting upon the instant mis-constituted writ petition becoming instituted before this Court, this Court is required to be determining, the veracity of the submission made before this Court, by the learned counsel for the petitioner, as relates to the applicability to the present petitioner, qua the special package envisaged qua the acquired lands, and, which becomes detailed in Annexure P-4.

11. The learned counsel appearing for the petitioner, has vigorously argued before this Court, that given the heading of the said Annexure P-4, making speakings about the land measuring 934.81 acres, becoming subjected to acquisition, and when the notification(s) for acquisition also were with



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respect to the lands which carried similar dimensions, thereby, irrespective of the judgment (supra) passed by the Hon'ble Apex Court, yet, the present petitioner is to be endowed the benefit of Annexure P-4.

12. However, this Court is in complete dis-concurrence with the supra argument addressed before this Court by the learned Counsel for the petitioner. Primarily, the initial reason for stating so, is but that, thereby this Court would be not only *ipso facto* contradicting the above inference, appertaining to the fact, that once the petitioner land has been subjected to valid acquisition, besides thereby, this Court also would be yet endowing to the petitioner rather the benefit of Annexure P-4. If the said endowment is yet made in favour of the petitioner, thereupon, the present petitioner would be doubly enriched, as he has already received the determined compensation amount.

13. Furthermore, though on the heading of Annexure P-4, their appears to be a reference to the special package being applicable to 934.81 acres of land, and, when the dimensions of the acquired lands are similar thereto, thus, the learned counsel for the petitioner has vigorously argued, that irrespective of all what has been stated above, yet the present petitioner is entitled to be endowed the benefit of Annexure P-4.

14. However, again the focus as made upon the present petitioner, upon the heading of Annexure P-4, is a complete mis focus thereons, as the learned counsel for the petitioner rather has not being mindful to clause 4.0 and clause 5.0, as enclosed in the policy, clauses whereof became extracted hereinafter.



“4.0 Due to the cancellation/rejection of acquisition of land PUDA/GMADA is facing difficulties in providing connectivity to the allotted plots/sites and constructions in the sector 76-80 and the development works of these sectors could have not been completed. Apart from this, a total of 1021 plots falls in abovesaid sectors, whose land acquisition has been cancelled and there are 786 plots of such type, which are not directly falls under litigation, but basic facilities/amenities i.e. road, water supply and sewerage lines cannot be provided to the plots/flats of these sectors. Thus, these plots are not feasible for construction. That 672 Letter of Intents – LOIs have been issued in favour of the applicants and allotment letters of 553 plots out of these total 672 have been issued in favour of owners and Conveyance Deeds of 179 plots, out of 672 plots have been issued in favour and out of these 179 plots buildings have been constructed on 53 plots.

*5.0 Apart from the above, some portion of cancelled/rejected land falls between the allotted plots/sites falls to societies in which sites namely Ratan Professional College, Maharaja Ranjit singh Armed Forces Academy, Radha Swami Satsang Society etc are included. Although the possession of the rejected/cancelled land is still with these institutions, **but after the final decision of the Hon'ble Supreme Court, the ownership of this land has been transferred in favour of the land owners, due to which possession of the land falls under the land/area so, allotted to these institutions have to be handed over to these owners.***

15. A circumspect reading of the aforesaid clauses, does tritely establish the fact, that the benefit of the said policy was to be endowed only to those land losers concerned, who were recipients of the judgment passed by the Hon'ble Apex Court in Civil Appeal No.7424 of 2013, and since the

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present petitioner was not granted relief for the supra stated reasons, by the Apex Court. Therefore, also he is not entitled to become endowed the benefit of the special policy.

Final Order of this Court.

16. In aftermath, this Court finds no merit in the writ petition and with observations above, the same is dismissed.

17. No order as to costs.

18. Since the main case itself has been decided, thus, all the pending application(s), if any, are disposed of as such.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

February 25, 2025*Varinder*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No