



**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-5924-2014

Date of Decision: 15.09.2025

ATTAR SHINUP LTD

...PETITIONER

Vs

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present:- Mr. K. S. Khehar, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG and
Mr. Karan Jindal, AAG

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This petition seeks quashing of order dated 30.04.2013 (Annexure P-22), whereby the claim of the petitioner for releasing balance land already acquired by the State has been rejected.

2. Undisputed facts of the case are that the land in question was compulsorily acquired pursuant to the notification issued by the State of Haryana under Section 4 of the Land Acquisition Act, 1894 (*for short, 'Act of 1894'*) on 12.09.2001. The land was acquired for the public purpose of shifting of Dyeing Units in Sector-29, Part-II, Panipat. The notification under Section 4 of Act of 1894 was followed with a declaration issued by the State under Section 6 of the Act of 1894 on 01.03.2002. The objection made under Section 5-A of the Act of 1894 by the petitioner had not found favour with the State authorities. The award

pursuant to such acquired land was made by the Collector on 11.04.2002. Possession of the acquired land was also taken *vide Panchnama* No.408 dated 11.04.2002.

3. The petitioner had not challenged the notification issued for acquisition of land. It appears that certain other persons challenged the acquisition proceedings which failed with dismissal of their writs. Ultimately, the matter travelled to the Supreme Court in ***Civil Appeal No.412/2006*** in ***M/s Radhey Textile and others v. State of Haryana and others***. The said appeal was disposed of by the Supreme Court without interfering with the judgment of the Division Bench of this Court with the observation that the claim of petitioners, therein, for release of land in terms of the Government policy be considered.

4. It transpires that armed with the observation of the Supreme Court in the aforesaid matter, the petitioners, along with various others, filed writ petitions which came to be disposed of on 28.09.2010 requiring the State Government to examine the claim of the petitioner for release of land.

5. Pursuant to such direction, a representation was made by the petitioner on 16.11.2010 for release of its land. The State Government accorded consideration to petitioner's prayer for release of land *vide* order dated 28.01.2011. The State Government found that the petitioner's Unit was situated only on a part of acquired land and consequently a decision was taken to release twice the area on which the Unit of petitioner was in existence. A release order to that extent was also passed on 09.03.2011. The decision of the State Government dated 28.01.2011 was put to

challenge by the petitioner in CWP No.12152/2011 which was dismissed as withdrawn *vide* following orders passed on 14.07.2011:-

“After arguing for some time, counsel for the petitioner wishes to withdraw this writ petition with a view to approach the Government for requisite relief.

Dismissed as withdrawn, as per prayed made.”

6. In terms of the liberty, the petitioner again raised a grievance for release of balance land before the State Government *vide* representation dated 05.12.2011. The petitioner, thereafter, filed yet another writ petition being CWP No.11646/2012 which came to be disposed of *vide* following orders passed by the Division Bench of this Court on 06.02.2013:-

“Counsel for the petitioner states that this petition may be disposed of with direction to respondent No.1 to decide the representation dated 05.12.2011 (Annexure P-19) filed by the petitioner, which is still pending with it, in accordance with law within a period of two months.

Ordered accordingly.

Till the decision of the said representation, petitioner may not be dispossessed.”

7. It is thereafter that the claim of petitioner has been considered and rejected by the State *vide* detailed reasoned order contained in Annexure P-22 dated 30.04.2013.

8. Learned counsel for the petitioner submits that in terms of

the policy framed by the State, once it was found that the petitioner had a running Unit on the acquired land, it was not open for the State to have partially release the land on which the Unit itself was in existence and that the entire land of the petitioner ought to have been released from acquisition. It is also submitted that various other Units have been granted the benefit of release from acquisition proceedings but similar treatment, in that regard, has been denied to the petitioner.

9. *Per contra*, learned State counsel submits that once the acquisition proceedings have attained finality with making of award by the Collector and taking of possession, the acquired land had vested in the State free from all encumbrances and the prayer for release of land was not sustainable. He further submits that the State has already taken a liberal approach in the matter by releasing twice the area on which standing structure was found to exist and therefore, release of balance land was not warranted when the purpose of acquisition was not shown to be illegal. He further submits that the acquisition otherwise had attained finality and in the garb of consideration of plea for release of land, the petitioner cannot be permitted to assail the acquisition proceedings itself. He places reliance on the judgment passed by the Division Bench of this Court in Arun Kumar and another v. State of Haryana and others, CWP-25045-2016.

10. We have heard the learned counsel for the respective parties and perused the material available on record.

11. The acquisition of petitioner's land is for the public purpose of shifting of Dyeing Units in Sector-29, Part-II, Panipat. The notification

issued under Section 4 of the Act of 1894 as well as the declaration issued under Section 6 of the Act of 1894 are not under challenge. It is, otherwise, undisputed that the Collector has made an Award under Section 11 of the Act of 1894 and the possession of the land has also been taken under Section 16 of the Act of 1894. Once that be so, the acquired land would vest in the State free from all encumbrances. This position in law cannot be disputed.

12. Records reveal that the Supreme Court while deciding the Civil Appeal No.4120/2006 (arising out of decision of this Court relating to challenge to the acquisition proceedings) had merely made observations permitting consideration of plea, for release of land, where industrial Units were in existence and functional. The observation of the Supreme Court in that regard is reproduced:-

“.....We make it clear that the Government policy is confined to dyeing industries which existed and were functional on the date on which Section 4 Notification was published. If there is any dispute as to their existence or non-existence on the relevant date, that matter may also be considered by the competent authority.....”

13. Pursuant to the aforesaid policy, the claim of petitioner has been considered and twice the area on which petitioner's unit existed has been released. A specific order in that regard has been passed by the State Government on 28.01.2011. The petitioner had challenged the said order by filing a writ petition which, after some arguments, was withdrawn.

14. Once the earlier writ petition has been withdrawn by the petitioner, we are at a loss to understand as to how such claim could be

revived by the petitioner. It appears that a subsequent writ was filed and a direction was issued by this Court to consider the representation. The State Government accordingly has passed the impugned order referring to the facts, noticed above, and reiterating the order which was earlier passed on 28.01.2011. Once the challenge to order dated 28.01.2011 was withdrawn by the petitioner, a subsequent revival of the cause was clearly impermissible. Even otherwise, we find that the land acquisition proceedings once have attained finality and the decision of the State to release only a part of the land has failed with dismissal of earlier writ petition, a subsequent revival of cause was clearly impermissible. The petitioner has otherwise failed to substantiate its plea of discrimination in the matter relating to release of land.

15. In that view of the matter, we do not find any illegality in the order passed by the State Government dated 30.04.2013 and consequently the challenge made to it fails and is accordingly dismissed.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

SEPTEMBER 15th, 2025
Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No