

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****RSA-1921-2024 (O&M)****Date of decision: 11.09.2025****Smt. Urmila Devi****...Appellant(s)****Vs.****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Manish Mehta, Advocate for the appellant.

Mr. Priyavrat Parashar, AAG, Haryana.

NIDHI GUPTA, J.

Present second appeal has ben filed by the plaintiff against the concurrent judgments and decrees of the learned Courts below; whereby the suit filed by the appellant for permanent injunction, has been dismissed with costs by both the Courts below.

2. It is *inter alia* submitted by learned counsel for the appellant that the learned Courts below were in patent error in non-suiting the appellant on account of the fact that they failed to appreciate that land of the appellant was never acquired. Learned counsel submits that as stated in para 5 of the present Grounds of Appeal, the appellant had purchased 1/6th share of 1K 6M of 7K 16M bearing 3//16/2. Learned counsel further refers to the averments made in paras 3 and 7 of the present Grounds of Appeal to submit that both the Courts below have erred in considering the fact that land of the appellant measuring 1K 10M out of field No.3//25



min. has not been acquired by the State Government. It is submitted that the learned Courts below have failed to appreciate that as per the acquisition proceedings, the State Government is claiming to have acquired field no. 3//16/2 (0-8), 25 min. (5-18) as per the information conveyed to the appellant vide letter dated 03.09.2013 Ex.P3 by respondent No.1; which is also so reflected in the rapat roznamcha Ex.P4. It is contended that accordingly, the land of the appellant measuring 1K 10M out of field no. 3//25 min. has not been acquired by the State Government.

3. It is submitted that appellant had even constructed a service station on the property, which was later converted into hotel. It is submitted that moreover, the learned Courts below have failed to appreciate that a vague written statement was filed by the respondents. Respondents have not taken any plea that they ever offered compensation of acquisition to the appellant. In fact, PW1 has specifically stated the aforesaid facts in her affidavit Ex.PW1/A yet, no cross-examination has been put to her on the said material aspect of the case, nor any suggestion has been given to her about any acquisition of property.

4. It is accordingly prayed that the present Second Appeal be allowed; and the impugned judgments and decrees of the learned Courts below be set aside.

5. *Per contra*, learned counsel for the respondents controverts submissions made on behalf of the appellant and submits that there are positive findings on record that the suit land was acquired vide



Notification issued under Section 4 of the Land Acquisition Act on 23.02.2007 and an Award No. 70 dated 19.02.2010 was also passed. It is further pointed out that Civil Court suffers from lack of jurisdiction as acquisition proceedings already stand completed and ownership of suit land vested in HUDA. He, accordingly, submits that the present Appeal has no merit and therefore, the same deserves to be dismissed.

6. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit whatsoever in the submissions made on behalf of the appellant.

7. Perusal of the record of the case shows that it had been pleaded in the plaint that the appellant had purchased 1K 6M of land vide Sale Deed No. 2208 dated 06.10.2005 (Mark A) which was part of killa No. 3//25 (7-8) (hereinafter referred to as "suit land"). It was further pleaded that the plaintiff had initially constructed a workshop and service station; and then hotel in the name of Rao Hotel and Restaurant was being run on the suit land. It is further pleaded in the plaint that acquisition proceedings under Sections 4 and 6 of the Land Acquisition Act, 1894 were initiated in respect of the land in mustil and killa No. 3//25 measuring 7K 8M, upon which the plaintiff had presented her objections which were admitted by the defendants and land purchased by the plaintiff was released from acquisition and only 5K 8M of land was acquired, and the remaining land in which plaintiff's hotel and restaurant were constructed, was released. However, the defendants without having any right were wanting to demolish the construction/restaurant and hotel



of the plaintiff. With these averments, present suit was filed on 28.09.2013.

8. Written statement was filed by defendants No 1 and 3 resisting the suit and averring that land bearing khasra No. 3//25 min. situated in revenue estate of village Payga measuring 5K 8M, had been acquired vide Award No. 70 dated 19.02.2010 for the public purpose of residential, commercial and institutional development, Sector 9-10, Mahendergarh. Possession of acquired land was handed over to the representative of HUDA free from all encumbrances and, therefore, plaintiff had no right or title in the suit land. It was further averred in the written statement that the Civil Court had no jurisdiction to try and entertain the suit.

9. Defence of defendants No. 2 and 4 was struck off vide orders dated 02.07.2014 and 17.10.2014 respectively. Replication was not filed.

10. From the pleadings of the parties, following issues were framed vide order dated 13.11.2014:-

- “1. Whether the plaintiff is entitled to a decree of injunction as prayed for in the plaint? OPP*
- 2. Whether the plaintiff has no locus standi and cause of action to file the present suit? OPD*
- 3. Whether the suit of the plaintiff is not maintainable in the present form? OPD*
- 4. Relief, if any.”*

11. Vide the impugned judgments and decrees of the Id. Courts below, suit of the plaintiff was dismissed.



12. It appears from the facts noted above that the plaintiff has made contradictory statements. It has been argued by learned counsel for the appellant, as also pleaded in the plaint and also in para 7 of the present Grounds of Appeal that the land of the appellant was not acquired. However, simultaneously it is pleaded in the plaint that land of the plaintiff was acquired and upon her objections, same was released. The record reveals that the appellant had failed to produce any documentary evidence whatsoever to support her contention that she had raised objections where upon her land had been released. Plaintiff had also failed to prove her possession on the suit land, which now vests in the HUDA.

13. Keeping in view the admitted fact that plaintiff herself has pleaded that her land had been acquired and then released by Land Acquisition Officer, her suit was not maintainable.

14. Thus, keeping in view the above said facts, present Regular Second Appeal is hereby **dismissed**.

15. Pending applications, if any, stand disposed of.

11.09.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No