

2025:PHHC:068188-DB



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

**Reserved on: 16.05.2025**

**Pronounced on: 21.05.2025**

1. CWP-22339-2021 (O&M)

MAHENDER SINGH & ORS.

.....Petitioners

Versus

STATE OF HARYANA & ORS

.....Respondents

2. CWP-15850-2024

SURENDER KUMAR & ORS

.....Petitioners

Versus

STATE OF HARYANA & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Rakesh Gupta, Advocate;  
Ms. Ruchi Jain, Advocate  
Ms. Jasmeen Kaur, Advocate;  
Ms. Simran, Advocate;  
Ms. Gurneet Kaur, Advocate and  
Ms. Jayantika, Advocate  
for the petitioner(s) in CWP-22339-2021.

Ms. Vrinda Thakur, Advocate for  
Ms. Puja Chopra, Advocate  
for the petitioner(s) in CWP-15850-2024.

Mr. Ankur Mittal, Addl. A.G. Haryana with  
Mr. Gaurav Bansal, DAG, Haryana;  
Ms. Ashna Singh, Advocate and  
Mr. Arshdeep Singh, Advocate for respondent-State.

Mr. Arvind Seth, Advocate  
for respondents No.2 to 4 in CWP-22339-2021.

Mr. Deepak Sabherwal, Advocate  
for respondent-HSVP (in CWP-15850-2024).

**SUDHIR SINGH, J.**

This order shall dispose of the above noted two writ petitions, as common questions of law and facts arise for consideration therein. However, for facility of reference, the facts are taken from CWP-22339-2021.

2. The petitioners have sought issuance of a writ in the nature of Certiorari quashing the Land Pooling Scheme (Annexure P-4) dated 10.09.2012 issued by the respondent-authorities, whereby they have been denied the benefit of allotment of residential as well as commercial plots. A further writ of Certiorari has been sought quashing the communication dated 29.07.2020 issued by respondent No.3 vide which the claim of the petitioners was declined.

3. It is the case of the petitioners that respondent No.1-State issued four notifications dated 07.07.2011 under Section 4 of the Land Acquisition Act, 1894 (for short 'the 1894 Act'), thereby notifying different areas of land situated in Village Jhajjar, Jhondi and Sikanderpur falling within the urban area as defined under Section 2(i) of the Haryana Urban Development Authority Act, 1977 (for short 'the 1977 Act'), for development and utilization of the said land for setting up of Sectors 7, 8, 9-A and 10 Jhajjar. The purpose for acquisition of land for the said Sectors was for the development of residential sectors in Jhajjar, whereas that for Sector 10 was for

development of institutional and partly commercial, road widening and green belt of Sector 10, Jhajjar. It is further the case of the petitioners that their land measuring 27 Kanal 4 Marlas also became subject matter of compulsory acquisition and finally an award under Section 11 of the 1984 Act, was passed on 04.07.2014 (Annexure P-3). It is further averred that in terms of the aforesaid award, the land owners opting for the Land Pooling Scheme were to be provided developed residential site(s) in the form of residential plots measuring 1000 square yards and commercial site measuring 100 square yards against each one acre of land acquired in lieu of compensation package and all the benefits admissible under the Rehabilitation and Resettlement Policy of the Government. It was further stipulated in the said award that the land owners would be eligible to participate in the Land Pooling Scheme only if a minimum of 1000 square yards or more of his/their land was acquired. The aforesaid stipulations in the award were in terms of the Land Pooling Scheme issued on 10.09.2012. Subsequent thereto, respondent No.3 had issued a public notice dated 24.02.2013, inviting applications from the land owners of Sector-10, Jhajjar by giving them option to become partners in the development process, in lieu of the compensation, the petitioners had submitted their applications, which were duly received in the office of respondent No.3. Similar separate awards were passed in respect of the land of Sectors 7, 8 and 9-A, Jhajjar. The petitioners had exercised their option seeking benefit under Clause 5(iii)(a) of the aforesaid scheme. The petitioners in terms of the aforesaid clause, had availed an upfront amount of Rs.18.50 Lacs as per floor rates as applicable to

the area for which their land was acquired. The said amount was paid to them through three cheques dated 27.01.2015 which was duly credited to their bank account. However, as they were not allotted any residential or commercial plots as per the options exercised by them, they approached respondents No.2 and 3 by visiting them personally several times as also by making repeated representations (Annexure P-14 to Annexure P-18). However, vide communication dated 29.07.2020, the claim of the petitioners was rejected. The petitioners had pleaded that the Land Pooling Scheme dated 10.09.2012 is arbitrary and discriminatory as the respondents-authorities have made a distinction between two sets of the land owners i.e., one whose land was acquired for development and utilization for commercial purpose and the other, whose land was acquired for development and utilization of the residential purposes.

4. In the written statement filed on behalf of respondents No.1 and 3, it is pointed out that only those land owners, whose land was acquired for residential Sectors and not for the commercial Sectors are/were entitled to the benefit under the Land Pooling Scheme. It is further pointed out that in respect of the acquired land of the petitioners, though an award dated 04.07.2014 was passed, thereby quantifying the amount of compensation, yet the petitioners did not collect the same willfully/intentionally neither did they submit the requisite documents in this regard. While making reference to the provisions of Section 31 of the 1894 Act, it is submitted that as neither the petitioners have come forward to collect the compensation nor have they disputed the same, therefore the stage to the applicability of

the provisions of Section 32(ii) of the 1894 Act did not reach. It is also pointed out that in the absence thereof, no reference under Section 18 of the 1894 Act could be made. It is further pointed out that the petitioners want to circumvent the proceedings as they have approached this Court after a gap of 7 years of the passing of the award and as such, the writ petition is barred by delay and laches. It is further asserted that the said amount of compensation would be disbursed to the petitioners, in case they submit the requisite documents against their claims.

5. In the separate written statement filed on behalf of respondents No. 2 and 4, while admitting the factum of acquisition of the land of the petitioners, it is pointed out that in terms of Clause 3(i) (ii) of Land Pooling Policy, the landowners, whose land was acquired for the purposes of the development of residential Sectors, were required to apply within a period of 60 days from the date of issue of notification dated 10.09.2012. It is further pointed out that the land of the petitioners was acquired for the non-residential purposes, therefore, the said provisions would not be applicable to them and more so, they had submitted their applications after the expiry of the aforesaid period of 60 days. It is further pointed out that neither the compensation determined vide award dated 04.07.2014 was collected by the petitioners nor had they availed the statutory remedy of Section 18 of the 1894 Act.

6. Learned counsel appearing for the petitioners has vehemently argued that the benefit of the Land Pooling Scheme, has been granted to the land owners, whose land had been acquired for the

residential purposes, but the same has been denied to the petitioners, whose land was acquired for commercial purpose/non-residential purpose. It is further argued that the said Policy does not objectify the reasons for making a distinction between the land owners, whose land was acquired for residential purposes and those whose land was acquired for non residential purposes. Still further, it is argued that the respondent-authorities, while passing the impugned orders/issuing the impugned communications did not take into account the aforesaid legal aspect of the matter, which has resulted into a manifest injustice to the petitioners.

7. On the other hand, learned counsel for the respondents have argued that the Land Pooling Scheme clearly stipulated the grant of benefits to the land owners, whose land was acquired for the residential and commercial purposes. It is further argued that as the land of the petitioners was not acquired for the residential purposes, therefore, in terms of Clause (3) of the policy, the petitioners are not entitled to the benefit sought for by way of the present writ petition.

8. We have heard learned counsel for the parties and have also gone through the records of the case.

9. In our opinion, the following question arises for determination in the present writ petition:-

***“Whether the petitioners are entitled to allotment of residential as well as commercial plots in terms of Land Pooling Scheme dated 10.09.2012 (Annexure P-4)?***

10. Section 3 of the Land Pooling Scheme for acquisition and development of residential Sectors reads as under:-

**“Applicability:-**

- (i) The Land Pooling Scheme shall be applicable in respect of acquisition proceedings initiated for the purposes of development of residential sectors pursuant to this Notification and shall take effect from the date of its Notification in the official Gazette.
- (ii) A one-time opportunity of exercise of option under this scheme shall also be available to the landowners in respect of the current acquisition proceedings for aforesaid purposes where Notifications under Section 4 or Section 6 of the Act have been issued and the period available for announcement of the Award is four months or more. The landowners will be required to exercise their option in writing on prescribed application form (Appendix-2) within a period of 60 days of the issue of this Notification.
- (iii) The landowner(s) would be eligible to participate in the Land Pooling Scheme only if a minimum of 1000 sq. yards or more of his/their land is acquired.”

11. Still further, Clause 5 of the said Scheme provides for allotment of developed residential sites in the form of residential plot(s) measuring 1000 square yards and commercial site(s) measuring 100 square yards against each one acre of land to the land owners opting for the Land Pooling Scheme. From the aforesaid extracts, it is apparent that said Land Pooling Scheme is applicable to the acquisition proceedings initiated for the purposes of development of residential Sectors. The land owners, who are eligible to apply and have applied under the Land Pooling Scheme, shall be entitled to allotment of residential plots and commercial sites as per their entitlement in terms of the Land Pooling Scheme. Admittedly, the

land of the petitioners was acquired for the commercial purposes i.e., for development of institutional and partly commercial, road widening and green belt of Sector 10, Jhajjar. Once the policy itself makes it clear that the benefit therein will only be available to the land owners, whose land was acquired for the residential purposes, the petitioners cannot be heard saying that they ought to have been granted the benefit of allotment of plots or commercial sites under the said policy.

12. In our opinion, the distinction between the land owners, whose land was acquired for the residential purposes and the ones, whose land was acquired for commercial purpose, has been made for the reason that the acquisition of land for the commercial purpose was for development of the institutional area and widening of the roads etc., whereas that for the residential purpose is for providing dwelling units. Once, the institutional areas and widening of the roads come into existence, the land owners cannot be given the benefit under the said head and it was with the said view of the matter that Clause 2 of the said policy made it clear to the following effect:-

“2. The Government has now decided to introduce a ‘Land Pooling Scheme’ whereby the landowners are given an option to become partners in the development process. The land owners whose land is acquired for the development of residential sectors will have the option either to accept the compensation in monetary terms as available under the Land Acquisition Act alongwith non statutory benefits under R & R policy or to seek the compensation in the form of developed plots as full and final settlement. The salient features of this Land Pooling Scheme are as follows.”

13. The argument of the learned counsel for the petitioners that the policy has discriminated them or has treated them arbitrarily, is not tenable in the eyes of law. Admittedly, the said policy restricts allotment of residential plot and commercial site to the land owners, whose land was acquired for the residential purposes for the simple reason that in the residential area, it would be feasible to the authorities to allot residential plots or commercial space, to the land owners as per their entitlement. The exclusion of the land owners from allotment of any plot, when their land is acquired for the commercial purpose is simply for the reason that once an institutional area has been allotted such land or such institution is developed on the said land, it would neither be possible nor feasible for the authorities to accommodate the land owners by way of allotment of any site or plot therein.

14. From the facts, it emerges that the acquisition proceedings took place in 2011. The award was passed on 04.07.2014. The petitioners have neither collected the compensation nor disputed the same so as to seek any reference under Section 18 of the Act and the reasons for that are not forthcoming. The petitioners started making representations somewhere in 2019 and 2020 and filed the writ petition in 2021/2024. This itself makes it clear that by delaying the proceedings, the petitioners want to circumvent the proceedings by unnecessarily agitating their claim for allotment of residential plots, when the policy makes an exclusion as regards the category of land owners, under which their claims fall.

15. In view of the above, while answering the question framed in negative, it is held that there is no merit in these writ petitions and the same are hereby dismissed.

16. Pending application(s), if any, shall also stand disposed of.

[ SUDHIR SINGH ]  
JUDGE

[ALOK JAIN]  
JUDGE

21.05.2025  
himanshu

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |