

2025:PHHC:021297-DB



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

Reserved on : 24.01.2025
Pronounced on : 14.02.2025

Sr. No.	Case Number	Title of the case
1.	CWP-26711-2021	Mandir Shivaji Maharaj managed by Mahesh Giri Vs. State of Haryana and Others
2.	CWP-13478-2022	Ram Kishan Aggarwal and Others Vs. State of Haryana and Others
3.	CWP-8741-2022	Satbir and Others Vs. State of Haryana and Others
4.	CWP-26709-2021	Rajbir and Others Vs. State of Haryana and Others

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

Argued by: Mr. Narender K. Sharma, Advocate and
Ms. Suman Sharma, Advocate for the petitioner in
CWP Nos. 26709 and 26711 of 2021.

Mr. Sanjiv Gupta, Advocate for the petitioner in
CWP No.8741-2022.

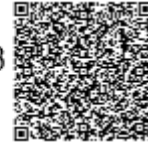
Ms. Sumitra, Advocate for
Mr. Vikram Singh, Advocate for the petitioner
in CWP-13478-2022.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Svaneel Jaswal, Addl. A.G. Haryana,
Mr. P.P. Chahar, Sr. DAG, Haryana.
Mr. Saurabh Mago, DAG, Haryana.
Mr. Gaurav Bansal, DAG, Haryana and
Mr. Karan Jindal, DAG, Haryana.

Mr. Ankur Mittal, Advocate with
Mr. Sandeep Chabbra, Advocate,
Ms. Kushaldeep Kaur, Advocate,
Ms. Saanvi Singla, Advocate and
Mr. Siddhant Arora, Advocate for HSAMB
and M.C. Gannaur.

Mr. Gaurav Chopra, Senior Advocate with
Mr. Darika Sikka, Advocate for respondent No.7
in CWP-26709-2021.

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SURESHWAR THAKUR, J.

1. Since all the writ petition(s) involve common questions of facts and law, therefore, they are amenable to be decided through a common order.

2. However, the facts of each of the writ petition(s) are required to be separately delineated.

CWP-26711-2021

3. The petitioner herein prays for a mandamus directing the respondents to release the land of the petitioner in view of the policy/instructions dated 26.10.2007 and 24.01.2011 of the Haryana Government which clearly depicts that any religious institution or any building owned by community which is being used for community purposes, is entitled for release of land from acquisition besides seek implementation of the special policy dated 09.09.2014 meant for rehabilitation and resettlement of the oustees whose lands become acquired for the India International Horticulture Market (IIHM), Gannaur.

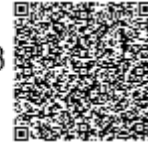
CWP-13478-2022

4. The petitioners herein pray for a mandamus being made upon the respondents to include them in the special policy meant for Rehabilitation and Resettlement of Ousteas and Squatters at India International Horticulture Market, Ganaur.

CWP-8741-2022

5. The petitioners herein pray for a mandamus being made upon the respondents to accommodate the petitioners by allotment of

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site/plot in question on which the petitioners have raised their residential accommodations and are currently residing thereovers, or in the alternative to quash the charging of price for allotment of plots which are to be allotted to the petitioners, in terms of the Special Policy for rehabilitation of squatters.

CWP-26709-2021

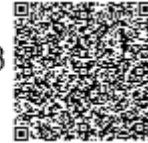
6. The petitioners herein pray for a mandamus being made upon the respondents, to implement the Special Rehabilitation and Resettlement Policy dated 09.09.2014 meant for rehabilitation and resettlement of the oustees whose lands become acquired for the India International Horticulture Market (IIHM), Gannaur.

Factual Background.

7. Vide notification dated 03.06.2010, issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter for short called as the Act of 1894), the land measuring 27 acres 15 marlas situated in Village Teha, Tehsil Gannaur, District Sonapat was acquired for the extension of New Modern Terminal Market for Fruit, Vegetable and other perishable goods. It was followed by the declaration issued under Section 6 of the Act of 1894. The acquisition process was challenged before this Court by various land owners primarily on the ground that there are constructed houses on the land in question, therefore, in terms of policy decision dated 30.09.2007, such constructed portions is/are liable to be exempted from acquisition.

8. All the writ petition(s) filed by various land owners were disposed of vide order dated 22.12.2015, with the lead writ petition

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bearing CWP No. 21004 of 2011, wherein, this Court has upheld the acquisition proceedings. The relevant paragraphs of the said judgment are extracted hereinafter.

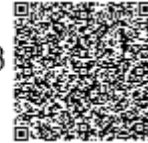
Ms. Palika Monga, DAG, Haryana has informed that the State Government has now approved Special Rehabilitation and Resettlement Policy for the Oustees, whose land was acquired vide notification dated 17.06.2011 under Section 6 of the Act for the establishment of India International Horticulture Market at Ganaur (Sonipat). The said Policy, inter alia, contemplates allotment of alternative plots in lieu of constructed inhabited houses and allotment of land on account of acquisition of vacant land/plots.

*We have heard learned counsel for the parties at length and found that no further orders are called for in the present set of writ petitions in view of the **Special Rehabilitation and Resettlement Policy** made applicable by the State in respect of the land/owners including the petitioners, whose land was acquired for the extension of New Modern Terminal Market for Fruits, Vegetables & others perishable goods in Village Teha, Tehsil Ganaur, District Sonipat.*

Out of the chunk of land measuring 488 Acre 3 Kanal 4 Marla, the land in question in these writ petitions is only 3 Acre and 4 Marla. The houses of the petitioners are scattered and not in compact block. The exemption of the houses of the petitioners will not facilitate proper planning of the area. Thus, we find that the decision of the State Government to offer a Special Package for allotment of alternative plots in lieu of the constructed houses/vacant land/plots is fair and reasonable settlement of the claims of the petitioners.

Learned counsel for the petitioners has pointed out that allotment of alternative plots is proposed in an area, which is not suitable. Firstly, it is undeveloped land and a land where there used to be a pond. Therefore, the State should carve out the plots, which are habitable and in the near vicinity of the

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land acquired. We do not find that this Court can interfere as to the place where the plots are to be carved out for the oustees such as the petitioners. It is overall planning of the land acquired including the land available, which will prompt the State Government to take a decision and the suitability of the land over which the oustees can be rehabilitated. Thus, the place where land is proposed to be allotted cannot be interfered with in exercise of power of judicial review.

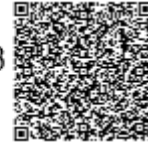
*Consequently, we dispose of the present set of writ petitions with a direction that **the respondents shall implement the Special Rehabilitation and Resettlement Policy for the Ousteas as produced before this Court expeditiously in accordance with law.***

9. The said judgment and order dated 22.12.2015, was assailed before the Hon'ble Apex Court, by the land owners by the filing of a bunch of SLPs. The said SLPs were withdrawn vide order dated 25.04.2016 with liberty to approach this Court for filing review application.

10. The said review application was dismissed by this Court vide order dated 28.07.2016. The operative part of the order, as passed in the review application is extracted hereinafter.

“It may be mentioned here that land and houses of the review applicants were acquired to set-up the new Modern Terminal Market for Fruits, Vegetables and other Perishable Goods at Ganaur, District Sonapat. Since it was an ambitious project of international importance, this Court during the course of hearing of the writ-petitions, directed the State Government to formulate a special package for rehabilitation of the affected owners. Pursuant to such directions, the State Government agreed and submitted the Special Ousteas Policy for rehabilitation of

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review-applicants. It is the said policy only which has been finally given effect by the Bench while upholding the acquisition.

In our considered view, no case to review/recall the order dated 22.12.2015 is made out.

Dismissed.”

11. In consequence, since the instant relief when becomes covered through the supra conclusive and effective judgments, thereby, the reliefs but analogous to the reliefs claimed in the earlier round of litigations, but are required to be similarly rejected, reiteratedly theirs being covered by the earlier rendered binding and effective judgments.

12. Now the impact of the policy (supra) vis-a-vis the claim relating to the land losers concerned, rather becoming bestowed the benefit thereof, thus is to be assessed.

13. In the said regard, the special policy (supra) becomes extracted hereinafter.

“The Board after considering the details given in the Agenda notes has resolved to formulate the following special policy in the matter :-

1. *The oustees and the squatters will be rehabilitated in front of the mandi alongwith NH-1. Depending upon their existing location, the oustees shall be rehabilitated alongwith NH-1 and 75 mtr road in oustees Zone – 1 whereas the squatters will be rehabilitated in squatters zone – 2 as shown in the layout plan.*

2. *The oustees shall be given an equal size of residential plot alongwith constructed houses of equal size of plinth area which is being acquired whereas the squatters shall be given an equal size of residential plot alongwith constructed houses of equal size of plinth are subject to a maximum plinth area of 250 square yards with sixty per cent ground coverage. The oustees as well the squatters will not be shifted till the completion of the construction of the houses for them.*

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3. *The areas presently occupied by the oustees/squatters will be based on the survey conducted by the Survey of India.*

4. *Since the oustees are being given equivalent residential plots alongwith constructed house, therefore, they shall not be paid any compensation for the residential plot acquired by the Board.*

5. *The entire cost of construction of houses for the oustees and squatters alongwith the basic infrastructural facilities like water supply, sewerage road, electrification etc. shall be borne by the Board.”*

14. Now, also in the said regard, it is relevant to extract paragraphs No. 21 to 25, as occur in the reply on affidavit filed by the respondents, in the connected writ petition bearing No. CWP-23132-2023.

“21. That it is respectfully submitted that as per policy dated 18.12.2015, the oustees having constructed inhabited houses were to be rehabilitated by giving alternate plots equal to the ground coverage of the existing residential houses free of cost. As far as the vacant area of their plot is concerned, they would be entitled for compensation. As regard the oustees having vacant land, clause 2 of policy provides that they shall be given alternative plots in accordance with R & R policy 2010. True copy of the R & R Policy dated 09.11.2010 is being annexed herewith as Annexure R-12 for the kind consideration of this Hon'ble Court.

22. That it is respectfully submitted that 54 persons who are owners of the land are being considered under the 18.12.2015 policy. As regards rest of 14 persons who were found sitting on the Gram Panchayat land comprised in Killa no. 20//90 (5-13) situated in Village Teha. Out of these 14 persons, 4 persons namely, Sh. Ved Prakash S/o Ram Bhaj, Sh. Satnaraon S/o Deep Chand, Sh. Rajbir S/o Deep Chand and Sh. Maidhan S/o Sh.Sardara and his brothers were found owners in Killa no. 20//90/1, 90/3, 90/4 and 90/9 and thus, proposal has been made to consider their case under 18.12.2015 policy and cases of 10

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left out persons has been proposed to be considered under the Policy framed for Squatters approved on 31.01.2020 and said decision has been approved with Deputy Commissioner, Sonapat who is overall chairman of the Rehabilitation Committee for relocation and rehabilitation of oustees/squatters residing in the land of IIHM, Gannaur which was sent on 30.06.2022. The details of policy for squatters are given in the subsequent paragraphs. True copy of the decision dated 30.06.2022 is being annexed herewith as Annexure R-13 for the kind perusal of this Hon'ble Court.

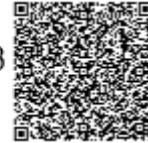
23. That it is further respectfully submitted that besides the oustees, in the survey 171 persons were found squatting on 17 Acres 2 Kanal 6 Marla of Panchayat land acquired vide the award No. 84 dated 13.08.2013. For the squatters separate policy dated 30.01.2020 was framed after getting approval from the State Government, pursuant to which order dated 13.02.2020 was issued as per which the squatters will be allotted a plot measuring 2 marlas on the following terms and conditions:

- (i) The price of the plot will be charged @ Rs 3954.22/sq. mtrs. i.e. Rs. 1,66,077/- per 2 marla plot.*
- (ii) The other terms and conditions of the allotment to these squatters including schedule of installments will be adopted as determined by the HSVP for allotment to encroachers in Urban Estate, Karnal.*

True copy of the policy dated 31.01.2020 for squatters is being annexed herewith as Annexure R-14 for the kind consideration of this Hon'ble Court.

24. That it is respectfully submitted that the price at which the plots are to be allotted have been kept minimal keeping in view the economic condition of the squatters. It is pertinent to mention that the compensation amount for 17 Acres 2 Kanal 6 Marla belonging to Gram Panchayat on which squatter are squatting have already been deposited with DRO Sonapat. True copy of the order dated 13.02.2020 is being annexed herewith

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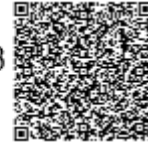
as Annexure R-15 for the kind consideration of this Hon'ble Court.

25. That it is respectfully submitted that the process of Resettlement and rehabilitation of the ousted landowners and squatters has already begun on the alternate site as approved by the Government of Haryana. Therefore, the contention of the petitioner that the process of resettlement and rehabilitation of the ousted land owners has not begun till date holds no ground. The process is being carried out as per the process of law. The work of development of India International Horticulture Market Gannaur which is in fact a project of national importance, stands allotted to EPC contractor and is a time bound project. It is respectfully submitted that it may invite financial implications on the Public exchequer if status quo is continued.”

15. A close reading of the afore extracted paragraphs would reveal that the process of resettlement and rehabilitation of the ousted land owners besides the squatters on the panchayat land has been initiated, and, is being carried out as per the process of law.

16. Further, a perusal of reply on affidavit (in CWP-26711-2021) would reveal that the State Government had approved/framed a policy nomenclatured as **Special Rehabilitation and Resettlement Policy for the oustees**. Moreover, a perusal of Annexure R-1, as appended with the said writ petition would reveal that the petitioner was held eligible for allotment of plot in terms of the policy (supra). However, since the constructed area of the Temple premises was more than the approved layout plan, thereby, the eligibility qua size of the plot to be so allotted, thus was to be determined after obtaining instructions from the competent authority.

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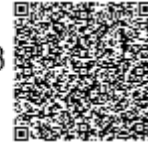


17. Resultantly, the relevant allotment to the petitioner, thus is to be done in accordance with the policy (supra) but within a period of one month from today. Moreover, the respondents concerned shall ensure that the religious shrine(s) concerned, thus becomes shifted to some other site, than the acquisition site, whereons they exist. In addition, the respondent concerned shall also ensure that the deity installed inside the temple concerned, shall also be ensured to be most honourably shifted, to the temple, to be constructed at the alternative site.

18. With regard to **CWP-13478-2022**, the petitioner No. 1 therein had raised an objection before DRA LAC, Sonapat, by pleading that he has a plot of 3 marla land in Killa No. 20//15/3, whereons, he had raised construction(s) prior to issuance of a notification under Section 4 of the Act of 1894. Similarly, the father of petitioners No. 2 to 5 had raised objections before the DRO stating therein that on the acquired land, their residential houses exist.

19. ***However, a perusal of synopsis filed by the learned State counsel in the said regard, which is taken on record,*** reveals that at the time of survey, none of them were found having any dwelling/residential unit on their respective plots. Therefore, the petitioners were not entitled for rehabilitation, as the supra scheme, was applicable qua only those land losers who were at the time of launching of acquisition proceedings rather were holding residential houses on the acquired lands.

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20. In view of the supra unrebutted echoings, as made in the written synopsis submitted by the learned State counsel, therebys, the claims of the petitioners herein for including them in the special policy (supra), is required to be rejected.

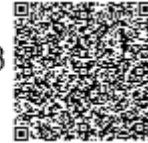
21. As far as the the petitioners (**in CWP-8741-2022**) are concerned, the petitioners thereins were squatters on the land in question and were not the owners. For them a separate policy dated 30.01.2020 was framed. Though, 171 persons were found squatting on the panchayat land but vide policy (supra), from amongst them only 162 persons were found eligible for allotment and the apposite draw of lots were to be held on 25.11.2021, besides, it was decided to allot plot measuring 2 marlas after charging Rs. 1,66,077/- per plot.

22. A perusal of the reply on affidavit filed by the respondent-State reveals, that the petitioners participated in the draw of lots held for assignment of plot number as per the policy dated 30.01.2020, whereafters they had deposited 10 % money and allotment letters also became issued. Resultantly therebys, the writ relief relating to the squatters on panchayat land becomes mitigated.

23. Therebys, the petitioners are estopped to claim that they be allotted the site/plot in question on which they have raised their residential accommodation(s) besides their claim for the quashing of the price of the allotted plots is also not required to be accorded.

24. The grievance raised by the petitioners (**in CWP-26709-2021**), is that, the policy dated 09.09.2014 be made applicable and that the policy dated 18.12.2015 be not made applicable to them.

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25. In the said regard, a perusal of the reply on affidavit reveals, that the policy dated 09.09.2014, was only a draft policy awaiting approval from the State Government. The said policy was approved with modification(s) on 18.12.2015, which was nomenclatured as the **Special Rehabilitation and Resettlement Policy for the oustees.**

26. For the reasons to be assigned hereinafter, the claim raised by the petitioners herein is required to be rejected.

27. Primarily, since a perusal of the verdict passed by this Court on 22.12.2015, would reveal that this Court had noticed therein that the earlier policy framed was not approved, whereas, the thereafter framed policy which was nomenclatured as **“Special Rehabilitation and Resettlement Policy for the Ousteers”** was approved by the State Government besides this Court had also directed that the said policy be implemented.

28. Moreover, since the said verdict remained unsuccessfully challenged, thus before the Apex Court at the instance of the land losers concerned besides when the review petition filed thereagainst before this Court, thus was also dismissed.

29. Therefore, the claim of the petitioner(s) to implement the earlier draft policy dated 09.09.2014, which was not approved by the State Government requires rejection.

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Final Order of this Court.

30. In aftermath, there is no merit in the writ petition(s) (supra) and with the observations and direction(s) aforesaid (in CWP-26711-2021), the same are dismissed.
31. Since the main cases itself have been decided, thus, all pending applications, if any, are disposed of as such.
32. A photocopy of this order be placed on the files of other connected cases.

(SURESHWAR THAKUR)
JUDGE

14.02.2025
kavneet singh

(VIKAS SURI)
JUDGE

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