

2025:PHHC:021290-DB



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CWP-23132-2023 (O & M)

Reserved on : 24.01.2025

Pronounced on : 14.02.2025

GRAM PANCHAYAT VILLAGE TEHA

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

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

**Argued by: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Naveen Bawa, Advocate
Mr. Narender K. Sharma, Advocate
Ms. Suman Sharma, Advocate
for the petitioner.**

**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.**

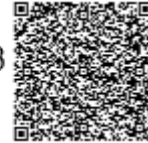
**Mr. Ankur Mittal, Advocate with
Mr. Sandeep Chhabra, Advocate
Ms. Kushaldeep Kaur, Advocate
Ms. Saanvi Singla, Advocate and
Mr. Siddhant Arora, Advocate
for the respondent HSAMB and M.C.Gannaur.**

**Mr. Puneet Jindal, Senior Advocate with
Mr. Rahul Bansal, Advocate
for the applicant-respondent No. 9
in CM-7193-CWP-2024 in CWP-23132-2023.**

SURESHWAR THAKUR, J.

1. The petitioner herein-Gram Panchayat Village Teha, Tehsil
Gannaur, District Sonipat (Haryana) prays for the hereinafter extracted
reliefs.

2025:PHHC:021290-DB



“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance a writ, order or direction especially a writ in the nature of mandamus directing the respondents to rehabilitate the villagers of village Teha on 79 kanals 8 marlas land comprised in Khewat No. 756//716, Khatoni No. 892, Khasra No. 5//14 (8-0), 15 (6-1), 16 (6-16), 17 (8-0), 23 (7-11), 24 (7-11), 25 (6-8), 11//4(8-0), 5 (6-16), 6(6-5), 7(8-0) total measuring 79 kanals 8 marlas situated in revenue estate of village Bari, Hadbast No. 4, Tehsil Gannaur, District Sonapat (Annexure P-3) taken by the respondent State for specific public purpose i.e. for villagers of village Teha in view of Gram Panchayat Bari resolution dated 16.03.2016 (Annexure P-2) and with further prayer to stop the constructions of residential colony for officers and officials of India International Horticulture Market as information got to the petitioner vide letter No. 205 dated 04.08.2023 (Annexure P-4) illegally and arbitrarily against the specific purpose of acquisition of land for villagers of village Teha for the purpose of rehabilitation.

And

For issuance of direction to the respondents to transfer the above said land measuring 79K-8M to the Gram Panchayat Teha, Gannaur Sonipat which was taken by the State of Haryana for specific public purpose i.e. rehabilitation of villagers of village Teha because at present the villagers of village Teha are deprived of essential basic needs like ponds, community hall, cremation ground, stadium and other common purposes for any social or religious cause due to acquisition of total Gram Panchayat land for India International New Modern Terminal Market for Fruit, Vegetable and others perishable goods (IIHM, Gannaur) by the respondent State and the petitioner i.e. Gram Panchayat is ready to deposit the cost of the above mentioned land i.e. 79K-8M to the respondent State from Panchayat fund because the compensation of acquisition of the Gram Panchayat land is lying with the Gram Panchayat Teha.

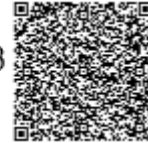
And

For issuance of direction to the respondents for addition of name of the village i.e. Teha with the India International New Modern Terminal Market for Fruit, Vegetable and Other perishable goods like Barhi Industrial Area, Rai Industrial Area and Kundli Industrial Area, Sonipat due to use of whole land of the petitioner's village Teha in this project.

Factual Background.

2. In the year 2007, the Haryana Government at the instance of the respondents i.e. Market Committee, Gannaur, decided to acquire land for a public purpose, i.e. for the establishment of New Modern

2025:PHHC:021290-DB



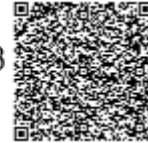
Terminal Market for Fruit, Vegetable and other Perishable Goods. In total land measuring 546 acres 5 kanal and 16 marla has been acquired/purchased for achieving the public purpose in villages Teha, Shahpur, Tega and Barhi.

3. 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 Ganaur, District Sonapat, was acquired for the extension of New Modern Terminal Market for Fruit, Vegetable and other perishable goods. It was followed by a 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.

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

2025:PHHC:021290-DB



houses and allotment of land on account of acquisition of vacant land/plots.

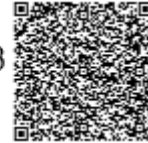
We have heard learned counsel for the parties at length and found that no further orders are called for in the present set of writ petitions in view of the Special Rehabilitation and Resettlement Policy made applicable by the State in respect of the land/owners including the petitioners, whose land was 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 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

2025:PHHC:021290-DB



Oustees as produced before this Court expeditiously in accordance with law.

5. 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.

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

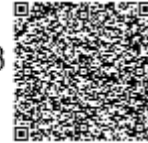
It may be mentioned here that land and houses of the review applicants were acquired to set-up the new Modern Terminal Market for Fruits, Vegetables and other Perishable Goods at Gannaur, District Sonapat. Since it was an ambitious project of international importance, this Court during the course of 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 Oustees Policy for rehabilitation of 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."

7. Further, a perusal of paragraph No. 13 of the reply on affidavit reveals, that in order to rehabilitate the land owners, whose lands were acquired for setting up the IIHM Gannaur, the Market Committee Gannaur, resolved to purchase the land measuring 79 kanal

2025:PHHC:021290-DB



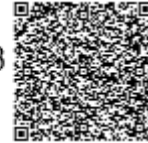
rehabilitation of the land owners residing on the acquired land. Thereafter, a resolution dated 16.03.2016 was passed by the Gram Panchayat of village Barhi, offering the land measuring 79 kanals 8 marlas to the State of Haryana rather for the special purpose of rehabilitation of persons ousted by the acquisition of their land thus for establishment of the Indian International Market for Fruits, Vegetables and Flowers. Moreover, the Government of Haryana vide order dated 09.09.2016 approved the sale of land measuring 79 K 8 M belonging to Gram Panchayat of village Barhi, in favour of the respondents, for the purpose of extension of New Modern Terminal Market in lieu of payment of consideration of Rs. 90 lacs per acre under Rule 12(1)(ii) of the Punjab Village Common Lands (Regulation) Rules, 1964.

8. Pursuant to the above, the land measuring 79 K 8 M, was transferred in favour of the Market Committee, Gannaur, and, mutation No. 5649 was sanctioned in favour of the Market Committee, Gannaur.

9. Thereafter, the petitioner-Gram Panchayat, made a representation to the Executive Engineer, HSAM Board, Gannaur, and, to the Secretary-cum-E.O., Market Committee, Gannaur, requesting that an alternate site be allotted for the resettlement and rehabilitation of the ousted land owners and squatters, as the land purchased, for the said purpose is far from village Teha and is not developed.

10. After considering the representation of the petitioner, thus for providing an alternate site for resettlement and rehabilitation of the ousted land owners and squatters, the Government of Haryana approved the proposal to provide alternate location out of the already acquired

2025:PHHC:021290-DB



land for IIHM, Gannaur. Thereafter, the Government of Haryana gave instructions to shift the location for the resettlement and rehabilitation of the ousted land owners from Guru Maa Ashram road to Bega road and the same was communicated by the MD, HIHMCL, Panchkula, to S.D.M. (Civil) Gannaur and further request was made, to finalize the list of eligible persons for allotment of plots under the resettlement and rehabilitation policy.

Inferences of this Court.

11. The crux of the entire dispute which becomes generated amongst the contesting respondents, appertains to the validity of the relief, asked for in the instant writ petition, by the present writ petitioner- Gram Panchayat Teha, inasmuch as qua the subject lands situated in revenue estate of Village Barhi, Hadbast No. 4, Tehsil Gannaur, District Sonapat, which became acquired for the supra specific public purpose, thus, being returned to the petitioner.

12. The further controversy which becomes generated, relates to the applicability of the policy formulated by the Government, in respect whereof speakings occur in the order passed by this Court, on 22.12.2015, upon, CWP-21004 of 2011, which became assailed before the Apex Court, through SLPs becoming filed thereagainst, but the same became withdrawn vide order dated 25.04.2016, with liberty to approach this Court for filing review application yet the review application(s) filed thereagainst became dismissed.

13. The said policy becomes extracted hereinafter.

2025:PHHC:021290-DB



“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.

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

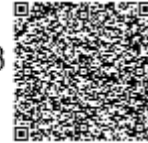
4. Since the oustees are being given equivalent residential plots alongwith constructed house, therefore, they shall not be paid any compensation for the residential plot acquired by the Board.

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. Initially, the contention (supra) is completely an ill raised contention nor the same is required to be answered in favour of the present petitioner.

15. The reason for so stating, is that, the lands covered within the acquisition notification (supra), and, which led to the making of an award rather were lands owned by Gram Panchayat Barhi, which is a

2025:PHHC:021290-DB

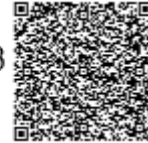


contra distinct panchayat from the present Panchayat i.e. Gram Panchayat Teha. Resultantly, the right to claim release of the lands covered within the supra notification and within the consequent thereto award, rather vested only in the Gram Panchayat Barhi and did not vest in the petitioner herein. As such, the said argument is rejected.

16. Now coming to the further dispute which has been raised by the present Gram Panchayat, as relates to the application of the policy for re-settlement of the oustee lands losers, and, which has been expressed in the supra extracted order made by this Court, and, which became affirmed by the Apex Court, yet with trite underlinings in the said policy, qua the oustee land losers being required to be settled, thus in terms of the said policy, therebys the apposite policy was required to be galvanized into action. In the said regard, as revealed by Annexure P-2, a resolution became passed by the Gram Sabha concerned, in a meeting convened on 16.03.2016, wherebys, the request made by the beneficiary of the acquisition, thus to purchase the subject lands for rehabilitating the oustee land losers concerned, rather became granted approval. The approval granted to the said resolution became also approved by the State Government.

17. Further, a perusal of records reveals, that land measuring 79 Kanal 8 Marla was transferred in favour of the Market Committee, Gannaur and mutation bearing No. 5649 was also sanctioned in favour of Market Committee, Gannaur. Thereafter, the Gram Panchayat made a representation to the concerned, that an alternate site be allotted for resettlement and rehabilitation of the ousted land losers and squatters, as

2025:PHHC:021290-DB



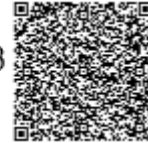
the land purchased for the relevant purpose was far from village Teha and is not developed. The said request made by the Gram Panchayat Teha was allowed and the Government gave instructions to shift the location for resettlement and rehabilitation of the ousted land owners from Guru Mass Ashram road to Bega road.

18. The further grievance raised by the petitioner Gram Panchayat herein, is that, the land measuring 10 acres belonging to village Barhi which was appositely assigned by the respondent State for the purpose of resettlement and rehabilitation of oustees of village Teha, rather has been untenably proposed for construction thereovers, thus of a colony for the officials and officers of India International Horticulture Market, under the EPC contract and work of construction of this colony has been started.

19. Though the Government has acted against the approval as became granted, to the extent, that though the land purchased by the beneficiary of the acquisition, whereons, plots were to be carved, thus was for resettling thereovers rather the oustees land owners but contrarily a colony for the officials and officers of the India International Horticulture Market, is being set up there.

20. Even though, after the acceptance as made by the State Government, vis-a-vis resolution (Annexure P-2) of the Gram Sabha concerned, in pursuance whereto, the Government appears to have made a decision to allot sites, thus for resettling the oustee land owners. However, it appears that contra to the said policy decision, the beneficiary of the acquisition has started raising construction(s) meant

2025:PHHC:021290-DB



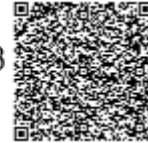
for establishing a colony rather for the officials and officers of the India International Horticulture Market.

21. Be that as it may, even if the supra policy decision appears to have been violated at the instance of all concerned, but the grievance in the said regard was to be raised at the instance of the land losers concerned, who were to be rehabilitated in terms of the policy supra. The present petitioner - Gram Panchayat Teha, appears to be without any authority agitating a grievance on behalf of the land losers concerned. As such, therebys, the petitioner herein has no *locus standi* to either challenge the acquisition proceedings nor has *locus standi* to challenge the consequent thereto award besides has no *locus standi* to seek the implementation of the policy decision. Even otherwise, the policy decision was borne in the policy extracted above and the said policy is required to be implemented.

22. Significantly also the *locus standi* in the said regard vests only in the land losers concerned, who though are not arrayed in the instant writ petition but who have filed separate petition(s) bearing CWP No.26711, 26709 of 2021, and CWP-8741, 13478 of 2022 whereons, a separate decision of even date has been rendered.

23. Moreover, since in terms of paragraphs Nos. 22 to 25, as occur in the reply on affidavit filed by respondents No. 3, 5 and 6, paragraphs whereof are extracted hereinafter, it becomes unfolded, that the process for resettling the oustees as well as the squatters on the acquired lands is being carried out as per the process of law.

2025:PHHC:021290-DB



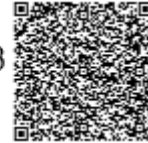
22. That it is respectfully submitted that 54 persons who are owners of the land are being considered under the 18.12.2015 policy. As regards rest of 14 persons who were found sitting on the Gram Panchayat land comprised in Killa no. 20//90 (5-13) situated in Village Teha. Out of these 14 persons, 4 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 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

2025:PHHC:021290-DB



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 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."

24. As such, when the writ petition(s) (supra) as filed by the oustee land losers or squatters concerned, have been dismissed through a order of even date made thereons. Resultantly this Court finds no merit in the instant writ petition and is constrained to dismiss the same.

25. Dismissed accordingly.

2025:PHHC:021290-DB



26. Since the main cases itself have been decided, thus, all pending applications, if any, are disposed of as such.

(SURESHWAR THAKUR)
JUDGE

14.02.2025
kavneet singh

(VIKAS SURI)
JUDGE

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