



CWP-32584-2024

(1)

In the High Court of Punjab and Haryana at Chandigarh

[133]

CWP-32584-2024

Date of Decision: 06.02.2025

BALWAN SINGH AND ANR.

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

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

Present: Mr. Kartar Singh Malik-I, Advocate for the petitioner(s).

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, AAG, Haryana.

Mr. Ankur Mittal, Advocate
Ms. Kushaldeep Kaur Manchanda, Advocate
Mr. Sandeep Chhabra, Advocate
Ms. Saanvi Singla, Advocate
for respondent(s)-HSVP.

SURESHWAR THAKUR, J. (ORAL)

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, the writ petitioners seek a *writ* in the nature of certiorari, thus for quashing and setting aside the notification(s) respectively issued under Section 4 dated 11.04.2002 (Annexure P-6) and also under Section 6 of the Land Acquisition Act, 1894 dated 08.04.2023 (Annexure P-7). Furthermore, the supra notifications became succeeded by an Award dated 06.04.2005 (Annexure P-8).

2. Status report by way of an affidavit of Sh. Mukund, HCS, Land Acquisition Collector, Urban Estates, Rohtak on behalf of respondent No.5, has been filed in Court today. The same is taken on record.



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(2)

3. It is not disputed amongst the contesting litigants that the challenge now made before the in the instant writ petition by the present petitioners rather is negated by the decision recorded by the Hon'ble Apex Court in case titled as **“Uddar Gagan Properies Ltd. Vs. Sant Singh and Others”** passed in **Civil Appeal No.5072 of 2016**, decided on 13.05.2016 (Annexure P-16), in as much as, through paragraph No.29(i), thereof, para whereof becomes extracted hereinafter:-

“29. Keeping the above in mind, we are of the view that ends of justice will be served by moulding the relief as follows:-

(i) Notification dated 11th April, 2002, 8th April, 2003 and awards dated 6th April, 2005 are upheld. The land covered thereby vests in HUDA free from all encumbrances. HUDA may forthwith take possession thereof.”

4. Since therebys, the subject notifications have been upheld and the lands covered within the subject notifications besides the lands covered within the supra passed award when become declared to vest free from encumbrances in the present respondents. Resultantly, the effect of the said binding and conclusive verdict passed by the Hon'ble Supreme Court, in the supra case titled, is that, there is no substance in the present petitioner, rather to claim that yet the subject lands be released from acquisition, more so, therebys there is complete investment of right, title and interest over the subject lands in the present respondents.

5. Even, otherwise, since the prayer relating to the release of subject lands is anchored upon Section 101A of the Right to Fair Compensation and Tranparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter for short refer to as the 'Act of 2013'), as became incorporated in the “Act of 2013”, through Haryana Act No. 21



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of 2018. However, when the said insertion has been declared to be unconstitutional through the verdict pronounced by this Court in CWP-11498-2019 and other connected cases on 20.12.2024.

6. Resultantly, therebys the writ claim relating to the release of subject lands cannot accepted. Finding no merit in the instant writ petition therebys the same is hereby dismissed alongwith all pending application(s), if any.

7. However, the Collector/Assistant Collector concerned, is directed to pass the supplementary award which may be required to be passed, if certain subject consturction(s), raher have been left for becoming included in the initially passed award.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

06.02.2025

Anjal

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