

**CR-281-2025****-1-****128****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-281-2025****Date of decision:-19.02.2025**

Dharampal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Ketan Antil, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant revision petition filed under Article 227 of the Constitution of India, petitioner – plaintiff has approached this Court assailing orders dated 10.03.2023 and 25.07.2024, Annexures P7 and P9, respectively, whereby an application filed by him under Order 39 Rules 1 & 2 CPC has been dismissed.

2. While making a reference to the house tax receipt, Annexure P10 and the site-plan, Annexure P11, counsel for the petitioner asserts that the petitioner is in possession of the suit property and the Courts below have erred in declining application for restraining the respondents – defendants from dispossessing him from the suit property.

3. I have heard counsel for the petitioner and considered his submissions.



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4. Petitioner – plaintiff has filed a suit for permanent injunction under Section 37 & 38 of Specific Relief Act, 1963, *inter alia*, pleading that he constructed a residential house over the suit property in the year 1976 and is living there with his family. He pleaded that he is enjoying the peaceful possession and is regularly paying the house tax. When the defendants threatened to dispossess him, he filed the suit along with an application for ad-interim injunction. Upon being served, suit was contested by the respondents - defendants by filing separate written statements. In its response, HUDA - defendant No.2 has taken a stand that the property has been acquired for development and utilisation of land as residential and commercial Sector 15, Part – II, Sonipat vide notification published on 06.05.1992 under Section 4 of the Land Acquisition Act, 1894 which was followed by a declaration issued on 05.05.1993. It has been stated that an award No.8 dated 17.11.1994 was passed by the Land Acquisition Collector and the possession of the acquired land was taken over on the same day. It has been categorically asserted that since then HUDA is continuing in possession and that the petitioner does not have any right, title or interest in the land.

5. Once the land has been acquired under the Land Acquisition Act, 1894, an award has been announced and the possession has been taken, petitioner cannot claim to have any right in the acquired property. Mere reliance by the petitioner upon the house tax receipts and the site plan would not advance his case. Petitioner has not been able to dispute the acquisition of land nor has he been able to show any document to belie the stand taken by HUDA. There is no infirmity or

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illegality in the orders passed by the Courts below.

6. Petition being devoid of merit is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

19.02.2025
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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No