

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.25415 of 2025

Bhagwan Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

1.	The date when the judgment is reserved	28.01.2026
2.	The date when the judgment is pronounced	11.02.2026
3.	The date when the judgment is uploaded	13.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Rohan Moudgil, Advocate and
Mr. Sandeep Sharma, Advocate for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

Ms. Kushaldeep Kaur, Advocate
Ms. Ashna Singh, Advocate and
Ms. Sharui Dadhwal, Advocate for respondent No.2-HSVP.

* * *

DEEPAK SIBAL, J.

(1) Through the instant petition, the petitioners, relying on Section 101A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short – 2013 Act), seek release of their acquired land in village Islampur, Tehsil and Distt.



Gurugram, Haryana primarily on the ground that such land cannot be utilized by the State for any public purpose.

(2) After hearing learned counsel for the parties and going through the record of the case, the following undisputed facts have emerged:-

Through notification dated 27.11.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short – 1894 Act) the State of Haryana expressed its intention to acquire 491.78 acres of land in Distt. Gurugram; such acquisition was for development of residential, commercial and institutional area in Sector 48, Gurugram; the petitioners' land, which is the subject matter of the instant petition (hereinafter referred to as the 'land in question') was included in the aforesaid notification but the petitioners did not file any objection under Section 5-A of 1894 Act; on 24.11.2004, notification under Section 6 of 1894 Act was issued by the State of Haryana acquiring 457.86 acres of land, which included the land in question; thereafter, the Land Acquisition Collector, Gurugram (for short – the LAC), determined the payable compensation in lieu of the acquired land; though there were several awards passed in this regard but the award which pertained to the land in question was dated 22.09.2006; through *Rapat Rojnamcha* No.170 dated 22.11.2006 the State took possession of the entire acquired land which included the land in question; the determined compensation payable to the petitioners for acquisition of their land was then tendered by the State in a separate account being maintained by the LAC; such compensation was not withdrawn by the petitioners; rather, the petitioners/ their predecessor-in-interest approached this Court through CWP No.3613 of 2006 to challenge the aforesaid notifications issued by the State under Sections 4 and 6 of the



1894 Act; the ground taken by the petitioners was of discrimination which was considered and rejected by a Division Bench of this Court through judgment dated 09.04.2008; the petitioners did not challenge such judgment allowing it to attain finality; after about 09 years the petitioners/their predecessor-in-interest again knocked the doors of this Court through CWP No.28056 of 2017 through which they relied on Section 24(2) of the 2013 Act to seek a direction from this Court for declaring the notifications, through which the petitioners' land was acquired, to have lapsed; a Division Bench of this Court accepted the petitioners' claim and resultantly, through judgment dated 29.01.2018, declared the acquisition of the petitioners' land to have lapsed; the State of Haryana challenged the judgment of the Division Bench dated 29.01.2018 before the Supreme Court which SLP, after conversion to a civil appeal being Civil Appeal No.4537 of 2024, was allowed by the Supreme Court on 22.03.2024 resulting of in the setting aside of the judgment of this Court dated 29.01.2018 and remitting of the matter to this Court for a fresh decision; in terms of the judgment of the Supreme Court dated 22.03.2024, a Division Bench of this Court considered the petitioners' case afresh and through judgment dated 13.02.2025, rejected the same; such rejection was after the Division Bench duly noted that the possession of the petitioners' acquired land had been taken by the State through *Rapat Rojnamcha* No.170 dated 22.11.2006 and the compensation payable to the petitioners, in lieu of their acquired land stood tendered by the State as also that the petitioners' acquired land stood utilized for the public purpose for which the same had been acquired; the status of the petitioners on the land in question was declared to be that of trespassers; the petitioners then filed an application



seeking review of the judgment of the Division Bench dated 13.02.2025 in which they specifically took up the plea that since the petitioners were in actual physical possession of the land in question, no useful purpose was going to be served in taking possession of the petitioners' acquired land; plea of discrimination was also raised; through order dated 11.07.2025, the review application filed by the petitioners was dismissed and that neither did the petitioners challenge the order of the Division Bench dated 13.02.2025 nor the order dated 11.07.2025 before the Supreme Court allowing it to attain finality.

DISCUSSION AND CONCLUSION

(3) Through the instant petition, the petitioners, who claim to be in actual physical possession of their acquired land, seek its release on the ground that, as on date, it cannot be utilized for any public purpose, let alone the public purpose for which it was acquired by the State. The petitioners further plead discrimination to be a ground as according to them the land acquired of similarly placed land owners has been released by the State.

(4) The relief prayed for by the petitioners cannot be granted because the petitioners/ their predecessors-in-interest had earlier knocked the doors of this Court through **CWP No3613 of 2006 – Raghbir and another Vs. State of Haryana and others** through which petition they had challenged the acquisition of their land on the ground of discrimination which plea was rejected through judgment dated 09.04.2008 rendered by a Division Bench of this Court, the relevant portion of which reads as follows:-

“The prayer made in this petition is for quashing the notification dated 27.11.2003 (Annexure P-1) issued under section 4 of the Land Acquisition Act, 1894 (for brevity 'the Act') and



notification dated 24.11.2004 issued under section 6 of the Act (Annexure P-13). The principal ground for quashing the aforementioned notifications is that land of the petitioners has been acquired whereas those of others have been released. It has been claimed that the petitioners are owner in possession of the land and there is some residential house. However, in the written statement, the stand taken by the respondents is that the land belonging to the petitioners is vacant land and there was no construction. In the affidavit dated 13.03.2008 filed by Ashima Sangwan, Land Acquisition Collector, Urban Estates, Gurgaon it has been clarified that this land cannot be recommended for release as it is vacant land and it falls within green belt and service road. The stand of the Land Acquisition Collector in all these cases is that the land in question belonging to various petitioners is vacant and does not qualify for exemption from acquisition.

In view of the above, we do not find any ground for releasing the land of the petitioners from acquisition. Moreover, no other argument warranting interference of this court has been raised. Accordingly, all the writ petitions fail and the same are dismissed.”

(5) The afore quoted judgment was never challenged by the petitioners/ their predecessors-in-interest and was thus allowed to attain finality.

(6) The petitioners/ their predecessors-in-interest had again approached this Court through CWP No.28056 of 2017 for release of their acquired land in question and this time they had relied on Section 24(2) of the 2013 Act. Through judgment dated 29.01.2018, rendered by a Division Bench of this Court, the aforesaid petition was allowed but when such judgment was challenged by the State of Haryana before the Supreme Court, through judgment dated 22.03.2024 passed in Civil Appeal No.4537 of 2024, the



Supreme Court set aside the Division Bench judgment dated 29.01.2018 and remitted the matter to this Court to be decided afresh. In terms of the directions issued by the Supreme Court, the issues raised by the petitioners were considered afresh and rejected by a Division Bench of this Court through its judgment dated 13.02.2025. Such rejection was after the Division Bench returned specific findings to the effect that through *Rapat Rojnamcha* No.170 dated 22.11.2006 possession of the petitioners' acquired land had been taken by the State; the assessed compensation had been duly deposited by the State in the account of the LAC which the petitioners failed to withdraw; the land in question stood utilized for the public purpose for which it has been acquired and that the petitioners' actual physical possession on the land in question would classify them as trespassers. Relevant portion of the judgment dated 13.02.2025 reads as follows:-

“7. To determine the above, it is necessary to refer to the reply on affidavit, already on record. A reading of the paragraph No.8 of the reply on affidavit, reveals, that possession over the acquired lands became assumed through *rapat roznamcha* No.170 dated 22.11.2006.

8. Moreover, when it is further indicated in the reply, on affidavit, furnished to the writ petition, by the respondent concerned, that out of the total amount of assessed compensation, under award dated 22.11.2006 i.e. Rs.15,58,23,374/-, an amount of Rs.2,93,69,678/- has already been accepted the landowners concerned. Furthermore, it has been stated that as far as the compensation of the land of the petitioners are concerned, despite the same becoming tendered, yet the petitioners not seeking disbursement(s) thereof, and the same is lying deposited in the LAC account, for therebys it becoming available for becoming released to the land losers concerned.

9. In consequence, since both the above events took place prior to the coming into force of the 'Act of 2013', resultantly, in terms of the verdict recorded by the Hon'ble Apex Court in **Indore Development**



Authority's case (supra), the present petitioners are not entitled to make any espousal before this Court, that a lapsing declaration be made in terms of Section 24(2) of the 'Act of 2013'. In sequel, the above made writ claim is declined.

10. *Moreover, the plea of the petitioners qua theirs still lawfully retaining possession over the subject lands, is a mis-founded plea, as, the occupation of the petitioners, over the subject lands rather is as trespassers thereovers and the petitioners are required to be lawfully evicted therefrom.*

11. *Conspicuously also since it has been stated, in the reply on affidavit, already on record, that the subject lands are an integral component of the layout plans, thereby when they are facilitating the relevant public purposes. Consequently, when public purpose than the individualistic interest is rather to be furthered. Resultantly, this Court finds no merit in the instant petition, and, is constrained to dismiss it.*

Final Order of this Court.

12. *In aftermath, this Court finds no merit in the writ petition, and, with the above observations, the same is dismissed. The impugned notification(s), and consequent thereto award are maintained and affirmed."*

(7) The petitioners sought review of the afore referred judgment which was also dismissed by a Division Bench on 11.07.2025.

(8) The judgment of the Division Bench dated 13.02.2025 dismissing the petitioners' petition and the order dated 11.07.2025 dismissing the petitioners' review application were never challenged any further by the petitioners and therefore, they were allowed to attain finality.

(9) A reading of the above referred and quoted judgments of this Court dated 09.04.2008 and 13.02.2025 leave no room for doubt that the pleas raised by the petitioners through the instant petition for release of their land



on the ground that it cannot be utilized by the State for any public purpose and the issue of discrimination stands considered and authoritatively rejected.

(10) In the light of the above, we find that through the instant petition the petitioners have made a frivolous attempt to re-open settled issues which cannot be permitted. Resultantly, the present petition is dismissed with costs assessed at Rs.25,000/- are directed to be deposited by the petitioners with Veeranwali Foundation Nanhi Jaan, ICICI Bank, Sector-34, Chandigarh (Account No.134101000271 IFSC Code ICIC0001341).

(DEEPAK SIBAL)
JUDGE

11.02.2026

sunil yadav/gk

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No