



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

110

CWP-17207-2025

Date of decision: 04.06.2025

HARI SINGH AND ANR.**..Petitioners****Versus****STATE OF HARYANA AND ORS.****..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Mukul Aggarwal, Advocate
for the petitioner.

Mr. Naveen S. Bhardwaj, Addl. A.G., Haryana.

ANIL KSHETARPAL, J(Oral)

1. On the request of learned counsel for the petitioners, the writ petition is taken on board for disposal.
2. The petitioners are the owners of 1.4921 acres of land, which was included for proposed acquisition in the notification issued under Section 4 of the Land Acquisition Act, 1894 (in short '1894 Act'). Subsequently, vide award dated 27.11.2009, 3.47 acres of land was acquired while excluding the plot of the petitioners. The acquisition qua the petitioners lapsed because no award was passed. The petitioners claim that they became the co-sharers with the beneficiary of the acquisition i.e. Haryana Shahari Vikas Pradikaran (in short 'HSVP'). On the repeated



request of the Court, the learned counsel for the petitioners failed to draw the attention of the Court to a provision either under the '1894 Act' or the Punjab Land Revenue Act, 1887, which provides that the beneficiary of the acquisition will become a co-sharer with their owners unless specifically provided, the acquisition is usually with respect to a specific and definite portion of the property. The moment the land is acquired, there is a deemed partition and the acquired portion of land is considered severed from the joint khewat. As a result, the concept of co-sharership does not come into the play. Learned counsel for the petitioners tried to impress upon this Court while referring to documents Annexure P-8 and P-10.

3. Annexure P-8 is a letter written on behalf of the Chief Town Planner, HSVP, withdrawing letter dated 06.06.2022. Annexure P-9 is a letter written by Tehsildar cancelling mutation No.9334 dated 16.11.2022, whereas, vide order Annexure P-10, the contempt petition filed by the petitioners was disposed of as infructuous. These documents do not prove that the petitioners herein became co-sharers with HSVP. It is evident from paperbook that the State of Haryana acquired parcel of land for the development and utilization of land for residential, commercial and institutional Sector 53-54, Gurugram. Hence, a specific portion of the joint land was acquired.

4. The petitioners have also not placed on file the copy of the award passed by the Land Acquisition Collector on 27.11.2009, which would have clarified whether the acquisition was for a specific portion of the property or an undivided share in the joint land.

5. The acquisition of land has become final and the petitioners have no right to restrain HSVP from utilizing the acquired land.



6. Hence, no ground to interfere is made out.
7. Dismissed.

(ANIL KSHETARPAL)
JUDGE

June 04th, 2025
Ayub

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No