

2025:PHHC:049990-DB



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

CWP-2337-1992

Reserved on: 07.03.2025

Pronounced on: 09.04.2025

NARINDER KUMAR BAJAJ AND ORS.

.....Petitioners

Versus

STATE OF HARYANA AND ANR.

.....Respondents

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

Argued by: None for petitioner No. 1.

Mr. Ish Karan Singh Chhabra, Advocate
for Mr. A.D.S. Sukhija, Advocate
for petitioner No. 2.

Mr. Rajinder Goel, Advocate
for respondent No. 3.

Mr. Ankur Mittal, Addl. A.G., Haryana,
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, Asstt. A.G., Haryana.

SURESHWAR THAKUR, J.

1. Through the instant petition, the petitioners challenge the validity of a notification, as became issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter for short called as the 'Act of 1894'). Moreover, the petitioners also make a challenge to the validity of issuance of a notification under Section 6 of the 'Act of 1894' besides to the consequent thereto award, thus on the ground, that the issuance of

2025:PHHC:049990-DB



the notification(s) (supra) is a colourable exercise of power and are also discriminatory in nature.

2. The above notification(s) became respectively issued on 23.02.1989 (Annexure P-1) and on 22.02.1990 (Annexure P-3).

3. When the instant writ petition came up for hearing on 05.08.2024, the hereinafter extracted order was passed.

It is pointed out that application for amending the writ petition bearing CM-31475-2001 was ordered to be heard alongwith main case, vide order dated 23.05.2003. Mr. Goel has referred to Annexure P-4 to point out that the land had been released on 15.12.2009, after the passing of the award on 21.02.1992 (Annexure P-5) and in the case of petitioner No.1 on 17.11.1994. It is, thus, submitted that since the case is based on the issue of discrimination, it would be appropriate that the reply be filed on merits to amended writ petition also.

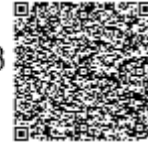
Let, needful be done alongwith the layout plan as referred in Annexure P-4, which will also show the location of all the three alleged ownership rights of the petitioners. The civil suit in which the stay was granted, on the basis of which the award was passed subsequently on 17.11.1994 for khasra No.4374/1, be also appended for the perusal of this Court.

4. The learned Additional Advocate General, in terms of the order (supra) filed reply to the amended writ petition.

Contentions of the learned counsel for the petitioners.

5. The primary contention of the learned counsel for the petitioners, is that, the respondents have proceeded to adopt the practices of invidious discrimination, inasmuch as, the respondents

2025:PHHC:049990-DB



releasing the lands of other land owners adjacent to the petitioners land, whereas, the respondents yet proceeding to subject the petition lands to acquisition, through making the impugned notification(s). Moreover, the lands released by the respondents were vacant lands, whereas, on the land of the petitioners, an industrial unit is in existence.

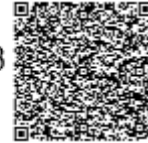
6. Further, the petitioners make a reference to specific instances, inasmuch as, to M/s Multifab and to M/s Multi Textiles, which are comprised in Khasra No. 5141, to contend that since the lands covered within the said industrial units become released from acquisition, therebys, the present subject lands are also to be treated at par with the said released lands, wherebys, they are also required to be released from acquisition.

Reasons for rejecting the submissions of the learned counsel for the petitioners.

7. A perusal of the reply on affidavit reveals that petitioner No. 2 filed objections under Section 5-A of the 'Act of 1894' qua khasra No. 3809/1, 3810, 3511/2, 3512, 3821/2 and 3820, total land measuring 0B 12B. The inspection of the subject site was conducted, wherein, it was found that petitioner No. 2 has constructed a boundary wall and two rooms which were of Class 'C' construction, thus prior to the issuance of notification under Section 4 of the 'Act of 1894'.

8. Moreover, petitioners No. 1 and 3 did not file any objection qua their respective lands. Moreover, the land of petitioners No. 1 and 3 was lying vacant at the time of issuance of Section 4 notification.

2025:PHHC:049990-DB



9. Award No. 13 dated 21.02.1992, was announced by the Land Acquisition Collector and possession of the subject land was taken vide rapat roznamcha No. 276 dated 21.02.1992. However, the award qua Khasra No. 4374/1 could not be announced owing to stay order becoming passed by the learned trial Court and the same was announced after dismissal of the suit on 17.11.1994 and possession of the land was taken vide rapat roznamcha No. 124 dated 17.11.1994.

10. Moreover, a perusal of paragraph No. 8 of the reply on affidavit, reveals that the assessed amount of compensation comprised in a sum of Rs. 31,299/- qua the land measuring 0B-12 of petitioner No.2 is lying deposited and is available for its being released to the land loser concerned.

11. A perusal of the afore garners an inference that respondent-State, in terms of the verdict rendered by the Constitutional Bench of the Hon'ble Apex Court in ***Indore Development Authority versus Manohar Lal and others, reported in (2020) 8 SCC 129***, rather has been able to adduce sufficient/clinching discharging evidence, in respect of the duo parameters, inasmuch as, (i) qua rapat possession being made over the acquired lands, (ii) and, qua the compensation, as became determined by the Collector concerned, becoming deposited for therebys its becoming available for being released to the land losers concerned, besides with the said events evidently happening before the coming into force of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2025:PHHC:049990-DB



2013. Resultantly a lapsing declaration cannot be claimed by the present petitioners.

12. As far as the claim of petitioner No. 1 and petitioner No. 3 is concerned, as per the record, they are not the original owners of the subject lands rather at the time of issuance of the notification under Section 4 of the Act of 1894. Resultantly also petitioners No. 1 and 3 have no *locus standi* to maintain the instant petition.

13. The further inference which is drawable therefrom, is that, the occupation of the petitioner(s), over the subject lands rather is as trespassers thereovers, as on launching of the acquisition proceedings, the land losers become divested of any right, title or interest over the acquired lands, whereas, complete investment of right, title and interest over the acquired lands becomes conferred upon the acquiring authority.

Reasons for rejecting the averments made in the writ petition as to the respondents practicing invidious discrimination qua the petitioners.

14. A perusal of paragraph No. 10 of the reply on affidavit reveals, that the lands comprised in Khasra No. 727 (3B-0B), 728 (1B-0B), 729 (0B-8B), 730 (2B-0B), 5771/731 (0B-9B), 5770/731 (5B-2B), 5772/731 (1B-16), 732 (2B-11B), total measuring 17B-11B, were acquired by the Department. However, subsequently the land(s) comprised in Khasra No. 727 (0B-10B), 728 (1B-9B), 729 (0B-15B), 730 (1B-4B), 5770/731, 5771/731 and 5772/731 (3-18), total measuring 8B-6B (1.73 acres), became released respectively in the name of Sh.

2025:PHHC:049990-DB



Dhara Singh, Sh. Joginder Singh, Sh. Sushil Kumar Mittal, Sh. Shivchand, Sh. Ved Prakash, Sh. Atarchand, Sh. Parmod Kumar Mittal, Sh. Pritam Ahuja, Sh. Gurbachan Singh and Sh. Tilak Raj, thus by the Department vide memo No. 8138 dated 15.12.1999. The said release was made on the hereinafter extracted conditions.

i) The land marked as A D I J B H were earmarked for the Rod Maha Sabha and approach to HUDA land will not be released.

ii) No compensation will be paid to the applicants for 30 mtr. wide green belt along G.T.Road in front of the applicants land. The applicant will be responsible for the development and maintenance of the green belt and the service road falling within the green belt at his own cost.

iii) The land use of Sector 13-17, Panipat being residential so the applicant will use his released land for residential purposes only and will get the building plans approved before undertaking the construction.

iv) The exact area to be released will be determined after demarcation at site.

v) The applicant will pay the proportionate development charges as determined and demanded by HUDA.

vi) The applicant will withdraw the Court case concerning the land.

vii) The applicant will execute an agreement with the Director, Urban Estates, Haryana on the prescribed proforma.

15. Moreover, the land comprised in Khasra No. 5141 belonging to M/s Multifab and to M/s Multi Textile, thus was released from acquisition, owing to the filing of objection under Section 5-A of the Act of 1894, which were considered and therebys the said lands were recommended to be released by the LAC, upon, considering the fact there is a running factory existing over the subject lands.

2025:PHHC:049990-DB



16. Further, it has been indicated in paragraph No. 13 of the reply on affidavit filed by the respondent, that the land of the petitioner affects planning for 2 marla category plots (10 nos.) and 9 meter road of Sector 13-17 Panipat HSVP as per approved demarcation plan No. 2216 dated august 1992.

17. Since predominance is to be assigned to public purpose than to individualistic interests of the estate holders concerned. Therefore, this Court refrains to allow the petitioner(s) claim for the acquired lands becoming released from acquisition.

18. Moreover, the averment as to the respondent practicing invidious discrimination(s), vis-a-vis the petitioner(s) herein, though also makes allusions to specific instances of discrimination(s) vis-a-vis the land losers concerned. However, since this Court for reasons (supra) has made a firm conclusion that the acquired lands are an integral component of the layout plans. Thus, the said conclusion also ousts the land-losers concerned from claiming parity with other purportedly similarly situated estate holders concerned qua whom release(s) were made, but on the premise that their released lands were not an integral component of the layout plans or when releases of their land(s) rather were made on specific terms and conditions. Thus, the argument (supra) is merit-less, and, is rejected.

19. Conspicuously also the supra argument merits rejection, as petitioners No. 1 and 3 have no *locus standi* to maintain the instant writ petition, on the ground that they acquired title rather post the issuance

2025:PHHC:049990-DB



of a notification under Section 4 of the Act of 1894, thereupons, when then complete right, title and interest over the acquired lands became invested in the acquiring authority, therebys, there was no subsisting right, title and interest either in the vendors nor any valid right, title and interest in respect of the subject lands, passed on to the vendees concerned.

Final Order of this Court.

20. 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.

21. No order as to costs.

22. Since the main case itself has been decided, thus, all the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

09.04.2025
kavneet singh

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