

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 13.05.2024
Pronounced on: 31.05.2024

1. CWP-26980-2023

Surender Singh	Versus	....Petitioner
State of Haryana and Others		....Respondents

2. CWP-20793-2021 (O&M)

Sunil	Versus	....Petitioner
State of Haryana and Others		....Respondents

3. CWP-27967-2023

Jagbir Singh	Versus	.....Petitioner
State of Haryana and Others		....Respondents

4. CWP-27969-2023

Sanyam @ Sayyam	Versus	.....Petitioner
State of Haryana and Others		....Respondents

5. CWP-28039-2023

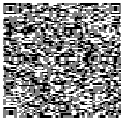
Somwati and Others	Versus	.....Petitioners
State of Haryana and Others		....Respondents

6. CWP-28068-2023

Dharmbir Singh	Versus	.....Petitioner
State of Haryana and Others		....Respondents

7. CWP-28263-2023

Mukesh (Deceased) Through his Lrs and Others	VersusPetitioners
State of Haryana and Others	Respondents



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8. CWP-28286-2023

Kitabo	Petitioner
	Versus	
State of Haryana and Others	Respondents

9. CWP-5711-2022 (O&M)

Rajesh		.....Petitioner
	Versus	
State of Haryana and Others		....Respondents

10. CWP-6477-2022 (O&M)

Manisha and Another		.....Petitioners
	Versus	
State of Haryana and Others		....Respondents

11. CWP-6479-2022 (O&M)

Jaipal and Another		.....Petitioners
	Versus	
State of Haryana and Others		....Respondents

12. CWP-6481-2022 (O&M)

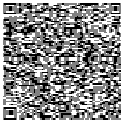
Anil		.....Petitioner
	Versus	
State of Haryana and Others		....Respondents

13. CWP-6484-2022 (O&M)

Vishal and Another		.....Petitioners
	Versus	
State of Haryana and Others		....Respondents

14. CWP-6486-2022 (O&M)

Sanjeev Kumar		.....Petitioner
	Versus	
State of Haryana and Others		....Respondents



15. CWP-6490-2022 (O&M)

NeelamPetitioner
Versus
State of Haryana and OthersRespondents

16. CWP-6494-2022 (O&M)

Himanshu RanaPetitioner
Versus
State of Haryana and OthersRespondents

17. CWP-28541-2023

Savitri and OthersPetitioners
Versus
State of Haryana and OthersRespondents

18. CWP-2268-2024

Satish Kumar and AnotherPetitioners
Versus
State of Haryana and OthersRespondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. D.S. Patwalia, Senior Advocate, with
Mr. Himmat Singh, Advocate, and Ms. Rishu Bajaj, Advocate,
for the petitioner (in CWP-20793-2021).

Mr. Sushil K. Sharma, Advocate and
Ms. Meenakshi Sharma, Advocate, for the petitioner(s) in CWPs-
28039, 28263 and 28286, 28541-2023 CWPs-2268 and 2515-2024.

Mr. Himmat Singh, Advocate, for the petitioner(s)
CWPs-5711, 6494, 6477, 6490, 6481, 6484, 6486-2022
CWPs-27967, 26980, 28068-2023.

None for the petitioner(s) in CWP-27969-2023 and CWP-6479-2022.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Karan Jindal, AAG, Haryana.

Mr. Ankur Mittal, Additional Advocate General, Haryana with

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Ms. Kushaldeep Kaur, Advocate, Ms. Saanvi Singla, Advocate and Mr. Siddharth Arora, Advocate for HSIIDC.

VIKRAM AGGARWAL, J.

1. The issue in the aforetitled writ petitions being identical, they are being decided by way of this common judgment. The facts, however, are being derived from **CWP-26980-2023** titled as '***Surender Singh Vs. State of Haryana and Others***'.

2. The petitioners were owners of agricultural land situated in Revenue Estates of various villages in Tehsil Kharkhauda, District Sonapat. The said land was acquired for being developed as an Industrial Model Township (IMT) at Kharkhauda having industrial, residential, commercial and institutional areas. The acquisition was challenged by the petitioners by instituting **CWP-5863-2013** titled as '***Brahm Dev @ Balbir Singh and Others Vs. State of Haryana and Others***', and other connected matters. The said writ petitions were decided on 07.11.2016. Since the acquisition had already been upheld in **CWP-14365-2012** titled as '***Om Parkash Vs. State of Haryana and Another, 2014 (5) RCR Civil 816***' and other connected matters (decided on 08.08.2014), the Co-ordinate Bench did not interfere in the acquisition. However, as had been held in Om Parkash's case, it was directed that the land of the petitioners equivalent to industrial plots not below the size of 30x60 meters as depicted in the revised layout plan or one commercial site out of "105 Meters Wide Commercial Pocket" duly earmarked in that plan be released meaning thereby that the landowners whose acquired land was one acre or above would be allotted an industrial plot measuring 30x60 meters or a commercial site in the "105 Meters Wide Commercial Pocket" and those having less than one acre of land would be given an alternative site as per the R&R policy dated 09.11.2010. The petitioners who fall in the aforementioned

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two categories have approached this Court with a grievance that the first category of landowners i.e. whose acquired land was one acre or above are being offered a commercial site measuring 12 square meters (4x3 meters) which is in violation of the directions given in Brahm Dev's case and Om Parkash's case. The landowners whose acquired land was less than one acre have a grievance that they have not been allotted a plot as per the directions in the aforesaid cases.

3. The facts, as pleaded, are that land measuring 10 Kanals 16 Marlas owned by the petitioner (fully described in the writ petition) situated in the Revenue Estate of Village Kundal, Tehsil Kharkhauda, District Sonapat came under acquisition. Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was published on 01.04.2010 and the declaration under Section 6 of the Act was issued on 04.04.2011. This acquisition came to be challenged by the petitioner(s). The writ petition(s) were clubbed with ***CWP-5863-2013*** titled as '***Brahm Dev @ Balbir Singh and Ors Vs. State of Haryana and Ors***'.

4. The aforesaid bunch of writ petitions was disposed of on 07.11.2016 in terms of the judgment passed in ***CWP-14365-2012*** titled as '***Om Parkash Vs. State of Haryana and Another***' (supra) decided on 08.08.2014, wherein the acquisition of the land was upheld but as has been mentioned in the opening paragraph, directions for allotment of industrial plots/commercial sites/alternate sites were passed depending upon the size of land holding of the landowners.

5. The grievance of the petitioners whose acquired land was more than one acre is that instead of allotting an industrial plot measuring 30x60 meters (which comes to 1800 square meters), the respondents are offering to allot a commercial site measuring 4x3 meters (12 square meters) which is in violation of

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the directions issued by the Co-ordinate Bench in Brahm Dev's case and Om Parkash's case.

6. It has been averred in the petition that the respondents wish to allot land to M/s Maruti Udyoung Limited (without accommodating the petitioner(s) and after allotting the entire land to M/s Maruti Udyoung Limited, no land is left out for allotting plots in terms of the directions in Brahm Dev's case and Om Parkash's case. The petitioners, therefore, seek implementation of the directions passed by the Co-ordinate Bench in Brahm Dev's case and Om Parkash's case.

7. Written statements were filed in eight cases i.e. CWP-20793-2021, CWP-5711-2022, CWP-6477-2022, CWP-6481-2022, CWP-6484-2022, CWP-6486-2022, CWP-6490-2022 and CWP-6494-2022.

8. In the written statement filed on behalf of respondents No.1 and 2, the details of the notification issued under Section 4, declaration issued under Section 6 etc. have been given. Reference has been made to the judgments in Brahm Dev's case and Om Parkash's case. It has been averred that vide letter dated 28.06.2021 (Annexure P-7) offer of allotment of commercial site measuring 12 square meters to landowners having more than one acre of land was given which was, however, not accepted by them and a request had instead been made for allotment of industrial plot measuring 30x60 meters. The stand of the respondents is sought to be justified in the written statement.

9. With regard to allotment of land to M/s Maruti Udyoung Limited, it has been averred that the allotment had been carried out under the Ultra Mega Category as per the provisions of the Haryana Enterprise and Employment Policy, 2020 and Estate Management Procedure and that all requisite steps had been taken in compliance of the judgments passed in Brahm Dev's case and Om Parkash's case.

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10. In the written statement filed on behalf of respondents No.3 and 4 also, a similar stand has been taken.

11. In the remaining cases, no written statement has been filed since notice of motion was not issued. However, since learned counsel representing the respondents were present on advance notice having been served, a short affidavit of the Divisional Town Planner, HSIIDC has been filed in which also, a similar stand as taken in the written statements has been taken.

12. Learned counsel for the parties were duly heard.

13. Mr. D.S. Patwalia, learned Senior counsel representing the petitioner in *CWP-20793-2021* submitted that the respondents have not complied with the directions issued by the Co-ordinate Bench in Brahm Dev's case and Om Parkash's case. It was submitted that the respondents amended the R&R Policy subsequently and that the R&R Policy which was mentioned in the judgments in Brahm Dev's case and Om Parkash's case was a different R&R Policy. It was submitted by learned Senior counsel that this R&R Policy had been frowned upon by the Co-ordinate Bench in the earlier cases and the respondents went ahead and made offer of allotment on the basis of the said R&R Policy only. It was submitted that the action of the respondents, therefore, deserves to be quashed and allotments are required to be made strictly in terms with the decision in Brahm Dev's case and Om Parkash's case. It was submitted that the respondents are misinterpreting the direction given in Brahm Dev's case and that it does not sound logical that the Division Bench had directed allotment of an industrial plot measuring not less than 30x60 meters and that merely because the size of the commercial site was not mentioned, the respondents could allot site of any size like it is being done now by allotting a site measuring 3x4 meters.

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14. Learned counsel representing the petitioners in other cases namely Mr. Sushil K. Sharma, Ms. Meenakshi Sharma and Mr. Himmat Singh also addressed arguments on similar lines. The thrust of the arguments was that in accordance with the directions issued by the Co-ordinate Bench in Brahm Dev's case and Om Parkash's case, the respondents should either have allotted industrial sites measuring 30x60 meters or equivalent commercial sites and not commercial sites measuring 3x4 meters. It was submitted that the respondents have misused the non-mentioning of the size with regard to commercial sites in the judgments rendered in Brahm Dev's case and Om Parkash's case. It was also submitted that as regards the landowners whose acquired land was less than one acre, no offer of allotment had been made even in terms of the R&R Policy.

15. Per contra, learned counsel for the respondents, with equal vehemence, submitted that the instant petitions are misconceived. The findings given by the Co-ordinate Bench in Brahm Dev's case and Om Parkash's case were referred to and it was submitted that the respondents had been given an option to either allot an industrial plot measuring 30x60 meters or a commercial site out of the "105 Meters Wide Commercial Pocket". It was submitted that the size of the commercial site was not mentioned on purpose because it was to be decided by the respondents. Learned counsel submitted that the value of the commercial sites being offered to the petitioners is in fact more than the industrial plots and the insistence of the petitioners on allotment of industrial plots or a commercial site of equivalent size as that of the industrial plot is ill founded. As regards the landowners whose acquired land was less than one acre, it was submitted that now offers of possession have been given on 26.04.2024.

16. It was also submitted by learned counsel for the respondents that it already stands settled that an option had been given to the respondents to decide as



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to whether an industrial plot has to be allotted or a commercial site has to be allotted. Reference was made to the order dated 29.07.2022 passed by a Co-ordinate Bench in **CM-8974-CWP-2022** and the order dated 10.03.2023 passed in **CM-3174-CWP-2023** in **CM-8974-CWP-2022** in **CWP-14294-2013**. It was submitted that even the issue raised in the present petition stands decided in **CWP-10848-2022** titled as '**Raj Singh @ Raj Singh Rana Vs. State of Haryana and Others**' and other connected petitions decided on 13.03.2023 by a Co-ordinate Bench.

17. We have considered the submissions made by learned counsel for the parties.

18. The judgment in the case of **Brahm Dev @ Balbir Singh and Others** (supra) is on record as Annexure P-5. The judgment in Om Parkash's case is also on record as Annexure P-6. The petitioners in Brahms Dev's case were granted relief in terms of the judgment passed in Om Parkash's case, wherein it was held as under:-

“[41]. We are of the considered view that following the cited instances, it would be fair, just and reasonable to direct the respondents including HSIIDC to release the land of the petitioners in CWP Nos. 14365 of 2012 [Om Parkash Vs. State of Haryana], 8549 of 2013 [Mahinder Singh Vs. FC & PS, Government of Haryana & Ors.], 11132 of 2013 [Bejai Singh & Ors. Vs. FC&PS, Government, Haryana & Ors.] and 14294 of 2013 [Sunil Kumar & Ors. Vs. State of Haryana & Ors.] equivalent to industrial plots not below the size of 30x60 square meters as depicted in the Revised Layout Plan or one commercial site out of “105 Meter Wide Commercial Pocket” duly earmarked in that plan. Where there are



more than one owner [major co-sharers in the acquired land which is five acres or more], each one of them shall be considered for allotment of a separate plot but in their case the size of the industrial plot can be less than 30x60 square meter also. The industrial plot of 30x60 square meter or above or the commercial site, as the case may be, shall be allotted to the affected landowner only if his acquired land is one acre and above. The land-losers of less than one acre be given alternative site as per the R&R Policy dated 09th November, 2010. The above mentioned plot[s] may be given any where as per the revised layout plan but the same shall be treated to have been carved out on the 'released land' of the affected landowner. In other words, the total area of the acquired land of such allottee shall be reduced to the extent of the size of the plot given to him and while the affected landowner shall not pay any allotment price [except the development charges], the compensation of his acquired land shall also stand reduced proportionately. The aforesaid exercise shall be undertaken by the Corporation and State Government within a period of four months and the possession of the developed plots of released land shall be given to the petitioners in these cases at the earliest and in the first opportunity. No allotment of developed sites shall be made unless the affected petitioners are firstly accommodated.”

A perusal of the aforesaid shows that the findings/directions of the Co-ordinate Bench are clear and unambiguous and leave no room for any interpretation. It was clearly and categorically held that the petitioners therein would be allotted “industrial plots not below the size of 30x60 meters as depicted in the revised



layout plan or one commercial site out of “105 Meters Wide Commercial Pocket” duly earmarked in that plan”. It is, therefore, clear that an option had been given to the respondents to either allot an industrial plot not below the size of 30x60 meters as depicted in the revised layout plan or one commercial site out of “105 Meters Wide Commercial Pocket” duly earmarked in that plan. No size was specified for a commercial site. The only thing which had been specified as regards a commercial site was that it would have to be out of the “105 Meters Wide Commercial Pocket” duly earmarked in the revised layout plan. It is the categorical stand of the respondents that the commercial site measuring 3x4 meters (12 square meters) is out of the “105 Meters Wide Commercial Pocket” duly earmarked in the revised layout plan and the petitioners have not been able to rebut this fact. This is in so far as the landowners whose acquired land was more than one acre. As regards those, whose acquired land was less than one acre, it is the categorical stand of the respondents in the affidavit filed in the instant petition that offer of allotment has been issued to all such landowners now vide separate letters dated 26.04.2024 which have also been annexed as Annexure R-1 with the affidavit. In the considered opinion of this Court, the directions given in Brahm Dev’s case and Om Parkash’s case, therefore, duly stand complied with. The stand taken by the petitioners is, therefore, devoid of merit.

19. It would also be relevant to mention here that certain landowners had earlier also knocked the doors of this Court by way of **CWP-10848-2022** and other connected petitions praying for the same relief. The said writ petition was disposed of vide judgment and order dated 13.03.2023 holding as under:-

“In compliance with the order passed by this Court on 21.09.2022, the original earmarked plan along with the latest layout thereof has been produced in Court. Perusal of the same would



indicate that the location of the commercial site is 105 meter wide commercial pocket. Petitioner(s) have been allotted plots in this very area.

Learned counsel for the petitioner(s) contends that the size of the commercial site which has been allotted to the petitioner(s) is very less as compared to the industrial plot which has been granted to the similarly placed persons whose land has been acquired and has been ordered to be granted by the Court.

Learned counsel for the respondents submit that the discretion was left to the corporation of either to allot a commercial site or the industrial plot and in exercise of such discretion, the commercial site has been allotted to the petitioners.

In the light of the above, we dispose of the writ petition. However, liberty is granted to the petitioner(s) to avail of their remedy in accordance with law.”

20. Before this, an application had been moved in **CWP-14294-2013** by the petitioners therein seeking clarification of the order dated 08.08.2014. The application was dismissed vide order dated 29.07.2022 holding as under:-

“After hearing learned counsel for the applicant-petitioner No.1, it appears that 12 sq. metre commercial plot has been allotted to the petitioner. A perusal of the order dated 08.08.2014 shows that in paragraph 41 division Bench had observed that there were two options given to the land owners, one was regarding providing the Industrial plot not below the size of 30x60 square meters or one commercial site out of '105 meter Wide Commercial Pocket'.



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In view of the above, no case is made out, therefore the present application stands dismissed.”

21. Subsequently, an application for correction of order dated 29.07.2022 was moved by HSIIDC since, in that order, it had been observed that two options had been given to landowners whereas the options had been given to HSIIDC and not to the landowners. The said application was allowed and the order dated 29.07.2022 was ordered to be corrected:

“Heard learned counsel for the parties.

CM-8974-CWP-2022 had been filed by petitioner No. 1, seeking clarification of decision dated 08.08.2014 wherein CWP-14294- 2013 was disposed of. It was averred in the application that liberty/option had been afforded to the land owners as per the said decision to chose industrial plots not below the size of 30x60 square meters or one commercial site and the said option was not afforded to the HSIIDC. Finding no merit, this application was dismissed on 29.07.2022.

Present application has been filed on behalf of applicant/HSIIDC/respondent No. 4, while pointing out that in order dated 29.07.2022 dismissing CM-8974-CWP-2022 the term ‘land owners’ has been mentioned instead of ‘HSIIDC’.

Perusal of paragraph 41 of decision dated 08.08.2014 clearly reveals that the term ‘land owners’ instead of ‘HSIIDC’ is reflected in order dated 29.07.2022 due to an inadvertent typographical error.

Keeping in view the facts and circumstances as above, it is directed that necessary correction be carried out in order dated



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29.07.2022. The term 'land owners' shall read as 'HSI IDC'.

Corrected order be uploaded.

Application is, accordingly, disposed of."

It is, therefore, clear that the petitioners are repeatedly knocking the doors of this Court praying for the same relief. In the considered opinion of this Court, in view of the decision of the Co-ordinate Bench in ***CWP-10848-2022***, the present petition would, in a way, not even be maintainable.

22. Now coming to the argument addressed by Mr. D.S. Patwalia, Senior Advocate, it is found that the argument is not substantiated by any material on the record. It is the categoric stand of the respondents which the petitioners have not been able to rebut that the size of the commercial site was taken as per the rehabilitation and resettlement policy dated 09.11.2010 and the size of the commercial site in the "105 Meters Wide Commercial Pocket" is of 3x4 meters only.

In view of the facts and circumstances aforementioned, we do not find any merit in the present writ petitions and the same are accordingly dismissed. However, it is expected that the allotments as have been referred to in the written statements and the affidavit filed by the respondents would be made in accordance with the directions previously issued and that the petitioners would accept the said allotments and provide a quietus to the issue.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

Reserved on: 13.05.2024

Pronounced on: 31.05.2024

Prince Chawla

Whether speaking/reasoned :

Yes/No.

Whether reportable :

Yes/No.