



Sr. No.113
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CWP-10001-2025 (O&M)

Mohinder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

1.	The date when the judgment is reserved	20.11.2025
2.	The date when the judgment is pronounced	02.12.2025
3.	The date when the judgment is uploaded on the website	02.12.2025
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

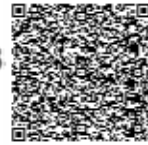
Present : Mr. Naresh Kaushal, Advocate,
for the petitioner.

Mr. Maninder Singh, Senior Advocate with
Mr. Pradeep Sharma, Advocate assisted by
Ms. Sakshi Sawhney, Chief Administrator, GMADA.

Mr. Himanshu Raj, Additional A.G., Punjab.

LAPITA BANERJI, J.

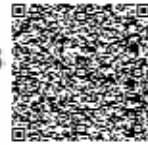
In the present petition filed under Articles 226/227 of the Constitution of India, the petitioner has *inter alia* prayed for issuance of a writ of mandamus directing the respondents to release/de-notify 07 marlas of his land situate in Khewat No.54, Khatauni No.56, Khasra No.11//36/4 (0-7), Village Chao Majra, Tehsil and District SAS Nagar Mohali, on which he has raised a residential house. The petitioner has



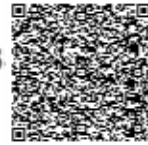
further prayed for implementation of the order dated September 02, 2013 passed by a Coordinate Bench of this Court in CWP No.21263 of 2011 ***Mohinder Singh V. State of Punjab and others***, keeping in mind the relocation policy dated February 8, 2014.

2. The brief facts of the case are as follows:-

- i) The petitioner claims that his residential house is situate on a part of the land *ad measuring* 16 marlas in Khewat No.54, Khatauni No.56 Khasra No.11//36/4, Village Chao Majra, Tehsil and District Mohali. The said construction was made in the year 1975-76 and is contiguous to the '*abadi*' near the '*phirni*' of the village.
- ii) Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') was issued on December 22, 2010 whereby the petitioner's land was sought to be acquired by the respondents.
- iii) The petitioner filed his objections under Section 5-A of the 1894 Act on January 27, 2011 requesting release of his residential house.
- iv) A declaration under Section 6 of the 1894 Act was issued on August 25, 2011 and the land sought to be acquired included the residential house of the petitioner.
- v) Aggrieved by the aforesaid notifications, the petitioner assailed the same by filing a writ petition being CWP No.21263 of 2011. Vide interim order dated November 17, 2011, the dispossession of the petitioner was stayed.

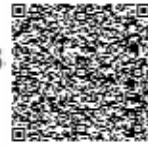


- vi) During the pendency of CWP-21263 of 2011, Award No.527 dated December 13, 2011 was passed by the Collector under Section 11 of the 1894 Act.
- vii) In CWP-21263 of 2011, interim directions were passed for re-surveying/re-demarcating the land of the petitioner with the object to save the constructed portion with minimum disturbance to the conceptual plan prepared for 'Knowledge Park'. It was observed that while carrying out the exercise of re-demarcation, the authorities would keep in mind the issue that besides the constructed portion, some reasonable open space would also be required for air and ventilation as well as for the optimum use of the constructed portion.
- viii) Pursuant to the interim directions by the Coordinate Bench, report by the officers of GMADA was prepared on August 31, 2013 whereby the constructed portion of the petitioner's land was shown to be on 09 marlas out of 16 marlas of land.
- ix) As per Officers' Committee of GMADA's report, the structures which were in continuity with the *phirnis* of villages like Chao Majra, Saini Majra and Rurka were recommended to be exempted from acquisition as the same were in contiguous extension to village '*abadis*' and could be adjusted in planning. However, the structures which were scattered and away from the *abadis* or not in continuity with the village *phirnis* could not be exempted from acquisition as they would affect the plan of the IT city. Therefore, a suitable re-location policy was



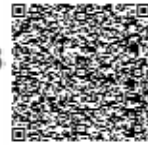
recommended to be framed for such scattered structures which could not be exempted from acquisition.

- x) Vide order dated September 02, 2013 a Coordinate Bench of this Court recorded that on the basis of the recommendations dated August 31, 2013 made by the Officers' Committee of GMADA, the structures/house of the petitioner had been decided to be released/exempted from acquisition. Therefore, the four writ petitions filed by different land owners (including the petitioner) had become infructuous and were disposed of accordingly.
- xi) The petitioner thereafter made an application for de-notification of his land and for mutation *qua* 16 marlas of land in his favour instead of restricting his prayer for mutation *qua* 09 marlas of exempted land only.
- xii) Due to inaction on the part of the authorities, the petitioner filed a contempt application being COCP-1568 of 2022 before a Single Bench of this Court. The Government of Punjab, Department of Housing and Urban Development issued a Notification dated April 21, 2023 whereby 09 marlas of land out of 16 marlas were de-notified/released in favour of the petitioner following the report dated August 31, 2013.
- xiii) Pursuant to the interim directions of the Contempt Court, the Chief Administrator, GMADA re-visited the site along with the revenue staff of the Land Acquisition Collector's office on September 03, 2024 and placed before the Contempt Court a



Report containing the *aks sajra*, site plan and the photo clips of the disputed land. As per the Second Report, the present gate of the petitioner's house which opens towards the *phirni* of the village could be shifted as there was a revenue passage that was 11 feet wide on the eastern side of the house that could be used for ingress and egress to the house by the petitioner. The said passage was used by other villagers as entrance to their houses, which were situated in the locality.

- xiv) It was noted in the Second Report that as per the earlier report dated August 31, 2013 the 'double pakka storey construction' was only on 09 marlas of land which had already been released vide Notification dated April 21, 2023. The age of construction on balance 07 marlas of land that was being used as temporary storage space and a cattle shed could not be ascertained. The acquired 07 marlas of land was crucial for housing the Economically Weaker Sections (EWS) of the society and if released would affect the planning by the Government. Therefore, the recommendations of the First Report dated August 31, 2013 were reiterated in the Second Report filed before the Contempt Court by GMADA.
- xv) The Contempt Court, vide order dated February 19, 2025 being satisfied with the Second/Compliance Report recorded that the order dated September 02, 2013 passed by the Coordinate Bench stood complied with and therefore, the petitioner was not



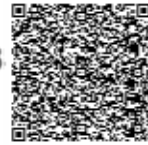
allowed to re-argue the case on merits and the contempt petition was dismissed as having become infructuous.

3. Being aggrieved and dissatisfied with the First Report dated August 31, 2013 placed before the Contempt Court by the Chief Administrator, GMADA and the consequent dismissal of the contempt petition, the petitioner has now sought to challenge the decision of GMADA dated August 31, 2013 recommending release of 09 marlas of land and consequent acquisition of 07 marlas land.

4. Mr. Kaushal, learned counsel appearing on behalf of the petitioner submits that the report dated August 31, 2013 was not handed over to the petitioner on September 02, 2013 when the Coordinate Bench of this Court recorded that as the constructed portion of the land had already been released, the writ petition was rendered infructuous. It is vehemently argued by the petitioner's counsel that the constructed portion was on the entirety of 16 marlas of land and not only on 09 marlas of land.

5. Mr. Kaushal has drawn the attention of this Court to the compliance report filed in COCP No.1568 of 2022 by the GMADA to submit that admittedly temporary storage space and a cattle shed existed over 07 marlas of land and since the date of construction could not be gauged by the authorities, the said land should also be released from acquisition.

6. Furthermore, the authorities were under an obligation to disclose to the petitioner which part of the land was released in 2013 which they had failed to do. The report dated August 31, 2013 was



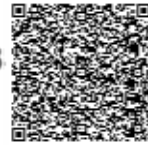
supplied to them belatedly and that too before the Contempt Court in 2024. Therefore, the petitioner was un-informed as to which part of their land was released and was not in a position to protest when the Coordinate Bench had dismissed the writ petitions as having been rendered infructuous. It is also argued that 01 marla land of petitioner's neighbour had been released by the authorities and therefore, by refusing to release the petitioner's land he was being discriminated against by GMADA/State.

7. Mr. Himanshu Raj, Additional A.G., Punjab appears on advance notice on behalf of the State.

8. This Court had directed the State to produce original record showing details of the petitioner's land or part thereof that was exempted by the Report dated August 31, 2013 along with the original record pertaining to the planning done by the respondents to use the disputed 07 marlas land in question, for developing a residential colony for the EWS of the Society.

9. Pursuant to the directions of this Court, the Chief Administrator, GMADA was present in Court on November 20, 2025 and produced the original record to demonstrate the utilisation/approved planning for the land in question. By relying on the layout plan, it was submitted that 07 marlas of disputed land was required for the construction of a residential colony for EWS of the society.

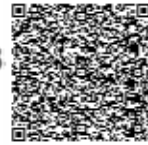
10. This Court has heard learned counsel for the parties and perused the material on record.



11. It is not in dispute that the Notification under Section 4 of the 1894 Act was issued on 22.12.2010 (Annexure P-4) and the declaration under Section 6 of 1894 Act was issued on 25.08.2011 (Annexure P-6). The award was passed by the competent authority on 13.12.2011 (Annexure P-9) during the pendency of CWP No.21263 of 2011 filed by the petitioner challenging the acquisition of petitioner's land. The Court, after giving an opportunity of hearing to both the parties directed re-survey/re-demarcation in 2013. Upon re-demarcation being done, the Officers' Committee, GMADA vide its report dated August 31, 2013 found that it would be possible to release the constructed portion of the land *ad measuring* 09 marlas belonging to the petitioner from acquisition. Accordingly, the same was recommended.

12. The said recommendation was accepted by the petitioner before the Coordinate Bench on September 02, 2013 when CWP-21263 of 2011 was disposed of as being rendered infructuous. The petitioner accepted the said decision without any protest/demur as the same was to his satisfaction. Neither any challenge was made to the Apex Court against the said order dated September 02, 2013 nor a review application was preferred alleging that the fresh demarcation report pursuant to a re-survey was neither a correct one nor had the same been handed over to the petitioner, resulting in lack of transparency.

13. It is interesting to note that learned counsel who represented the writ petitioner in CWP-21263 of 2011 also represents him in the present writ petition. Therefore, it is difficult to accept that the petitioner was unaware of the quantum of the land that was being recommended to



be released from acquisition in his favour. It is also surprising to note that the petitioner showed no interest to receive a copy of the 2013 report that was handed over to Court by GMADA despite the fact that his valuable rights over his land were being determined pursuant to that Report. Admittedly, no challenge was laid to the Report dated August 31, 2013. Assuming for the sake of arguments that the petitioner was unaware of the quantum of the land that was being released from acquisition even then the petitioner cannot today be allowed to reopen/re-agitate the said issue after 12 years of the impugned report dated August 31, 2013, after accepting the same before the competent Court. The petitioner cannot today be allowed to take advantage of his ignorance/purported ignorance especially when the land stands utilized. The conduct/inaction on the part of the petitioner does not warrant any premium to be granted in his favour.

14. Since the petitioner wants his 07 marlas of land to be released the onus is on him to show that there was *pakka* construction on said land prior to the report dated August 31, 2013 and it is not for the authorities to go and assess the age of the said temporary construction/cattle shed which are alleged to have been constructed in 1975-76. The petitioner has also vaguely pleaded discrimination *vis-a-vis* another landowner whose 01 marla of land was purportedly released without providing any necessary detail qua such discrimination. Therefore, the said plea of the petitioner also does not come to his aid for seeking release of the disputed land.



15. Once the petitioner has accepted the said report dated August 31, 2013 showing release of only 09 marlas of land and the contempt petition is dismissed vide order dated February 19, 2025 *qua* remaining 07 marlas of land, the petitioner cannot be allowed to re-agitate the same issue again and again by filing fresh writ petitions.

16. The present petition is not only hit by the principles of *res judicata* but also on merits as by the report dated August 31, 2013 only the constructed portion on 09 marlas of the land was recommended to be released and not the entirety of 16 marlas. Furthermore, the relocation policy is only to aid the landowners whose constructed houses were acquired not for the landowners like the petitioner whose constructed houses were exempted from acquisition.

17. Therefore, this Court has no hesitation to hold that the present writ petition is frivolous in nature and waste of precious judicial time. The same is dismissed with costs assessed at Rs.10,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh.

18. Accordingly, the connected application(s), if any, are also dismissed.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

December 02, 2025
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No