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

CWP-22937-2026

Date of decision : 27.07.2026

M/s Lion Brand Poultries and another

... Petitioners

Versus

State of Haryana and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MR. JUSTICE SUBHAS MEHLA***

Present: Mr.Amit Jhanji, Senior Advocate with
Ms.Eliza Gupta, Advocate and
Mr. Rishab, Advocate
for the petitioners.

Mr. Saurabh Mago, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the entire proceedings which were initiated vide notification dated 13.11.1981 issued under Section 4 of the Land Acquisition Act, 1894. Other prayers have also been made.

2. It is the case of the petitioners that the petitioner no.1 is a partnership firm and is carrying on its business in poultry products in its farm in village Carterpuri (Daulatpur Nasirabad), District Gurugram in the



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State of Haryana and the petitioner no.2 is the partner in the petitioner no.1- partnership firm and both the petitioners are the owners of the total land measuring about 11.756 acres in rectangle no.31 killa no.15, 16, 17, 18, 23, 14, 24 and rectangle no.34 killa no.3, 4, 7 and 8 situated in village Carterpuri, Tehsil and District Gurugram. It is further the case of the petitioners that respondent no.1-State of Haryana had issued notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred as “Act of 1894”)dated 13.11.1981 which was published in the Haryana Government Gazette on 16.11.1981 for the acquisition of land for the public purpose namely for the development and utilization of Land as residential-cum-commercial area at Gurugram and that the petitioners had filed objection under Section 5A of the Act 1894. It is further their case that notification under Section 6 was issued on 15.11.1984 and that the award with respect to the said land was passed on 02.05.1986. The supplementary award relating to building/ structures, tubewells and trees was passed on 13.05.1988, which award, was passed after specifically taking into consideration the land of the petitioners, which fact, is apparent from a perusal of the supplementary award dated 13.05.1988 (Annexure P-5).

3. It has been specifically averred by the petitioners that they had filed civil writ petition no.5644 of 1984 challenging the acquisition process and the same was finally adjudicated upon vide judgment dated 20.05.2014. The judgment passed in the said writ petition has not been annexed with the present writ petition but the final decision of the Hon’ble Supreme Court in Civil Appeals no.2296-2306 of 2018 filed by the State of Haryana and



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another against the said judgment has been annexed as Annexure P-11. The Hon'ble Supreme Court after hearing and noting all the arguments raised on behalf of the State as well as the present petitioners was pleased to allow the appeal filed by the State and had set aside the judgment passed by the Coordinate Division Bench of this Court and had further dismissed the writ petition filed by the petitioners. A perusal of the said judgment would show that it was observed by the Hon'ble Supreme Court that the submission made by the petitioners to the effect that there are structures in the form of poultry farms etc. and the same should be left out, deserved to be rejected as the land in question was required for road, public amenities etc. and it was not possible to leave the same and the said land was necessary for planned development. It was further observed that from the report and material on record it was apparent that valid reasons have been given to acquire the land in question. The relevant portion of the said order dated 20.02.2018 is reproduced hereinbelow:-

“It is apparent from the stand taken by the respondent that poultry, areas and certain other areas were required for road, public amenities, it was not possible to leave them out and was necessary to be acquired for planned development and public amenities as most of the area was abutting Delhi-Gurgaon Road. It is clear that Court can sit in the appeal on merits of the decision rendered under Section 5A. It is not ordinarily open to Court to substitute the opinion as to planned development and requirement of particular area. Inquiry and the material placed on record clearly indicate that mind had been duly applied and decision taken not to exclude the area could not be said to be illegal or arbitrary or said to suffer from any illegality. All the area cannot be left out, as whatever is required for development had to be acquired including constructed area. The plea of discrimination with



respect to areas left out cannot be said to be justified on fact situation. The requirement of planned development is to be judged by the concerned authority and appropriate Government and they have applied their mind in accordance with law by assigning the reasons and enough materials had been placed on record by them to support their decision. Thus, in the facts and circumstances of the case, no case to entertain plea of discrimination is made out. Thus, we find that no case for interference is made out on the ground which have been urged by the land owners.

The appeals are allowed. The impugned order is set aside. Writ petitions filed before the High Court are dismissed.

Intervention application is allowed.

Substitution application is also allowed.

All other pending applications are disposed of.

No costs.

February 20, 2018.”

4. Thus, the challenge made by the petitioners to the acquisition proceedings stood rejected. It would be relevant to note that even a review petition was filed by the petitioners and the same was also dismissed by the Hon’ble Supreme Court vide its order dated 19.03.2020 which order has been annexed as Annexure P-12. The matter should have rested there but the petitioners continued to further indulge in litigation. Although no liberty was sought muchless granted to the petitioners to represent to the authorities but the petitioners vide representation dated 02.03.2023 represented to the authorities for invoking Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred to as “2013 Act”). The State, vide detailed order dated 31.05.2024, dismissed the said representation by passing a speaking order.



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5. In the said speaking order, the provisions of Section 101-A 'Power to de-notify land' were reproduced and it was observed that it is only when the State Government is fully satisfied that the public purpose has become unviable or non-essential for the purpose of development that it has the enabling power to de-notify the said land and by placing reliance upon the judgment of the Hon'ble Supreme Court in the case of ***Ram Swaroop (Dead) through L.Rs and Anr. vs. State of Haryana and others, SLP (Civil) 16421 of 2021*** decided on 15.11.2021 observed that Section 101A of the Act of 2013 does not give a vested right to the landowner to seek de-notification of the land in question and the same is the prerogative of the State. Reference was also made to the policy dated 14.09.2018, moreso, clause 3 which also provided for de-notification of acquisition in case the land was unviable or non-essential for the public purpose. After taking into consideration all the aspects, it was observed that in the present case the possession of the land in question had been taken vide rapat no.421 dated 02.05.1986 and had been handed over to the beneficiary department i.e., HSVP and that the land of the petitioners was necessarily required as the same affected 119 nos. of 8 marla plots, 20 nos. of 10 marla plots, 20 numbers of 14 marla plots, 10.0 meter road, 1 no. of dispensary, 1 no. of nursing home and 1 no. of park. It was further stated that the land vested with the State and such representation of the petitioners was meritless. Reliance was also placed upon the judgment of the Hon'ble Supreme Court in the case of ***Raghubir Singh and another vs. State of Haryana and others*** reported as ***(2022) 4 Supreme Court Cases 728*** and it was stated



that the Supreme Court had clarified that making a representation under Section 101-A does not give vested right to the landowner for de-notification of the acquired land.

6. The factual finding in the said order has not been disputed before this Court, and thus, from the facts of the case, it is apparent that the land in question is neither unviable nor non-essential for the State Government to de-notify the same. The Hon'ble Supreme Court of India in the case of **Ram Swaroop (supra)** had observed that earlier in the case of **Raghubir Singh (supra)** it was held that Section 101-A does not give vested right to the landowners to seek de-notification or even that upon de-notification the land in question must return to the erstwhile owners only and it is the State Government which had liberty to pass any such order other than the release of land in favour of landowners. Even a perusal of Section 101-A itself clearly shows that the same is an enabling provision with the State Government to de-notify acquired land in case the public purpose for which the land was acquired under the Land Acquisition Act, 1894 has become unviable or non-essential. Section 101-A of 2013 Act is reproduced hereinbelow:-

*"....101A. Power to de-notify land.- When any public purpose, for which the land acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894) becomes **unviable** or **non-essential**, the State Government shall be **at liberty** to denotify such land, on such terms, as considered expedient by the State Government, including the payment of compensation on account of damages, if any, sustained by the land owner due to such acquisition:*

Provided that where a part of the acquired land has been utilized or any encumbrances have been created, the landowner may be compensated by providing alternative land alongwith payment of



damages, if any, as determined by the State Government ""

7. Learned senior counsel for the petitioners has submitted that a perusal of the award dated 02.05.1986 would show that the possession of the land acquired has been taken but the possession of building, trees etc. had not been taken and it was further stated that the assessment in respect of the building, trees or other structures would be carried out and after the final assessment, the compensation regarding the same would be paid. It is submitted that although the supplementary award dated 13.05.1988 was passed but it is the case of the petitioners that the compensation was only given with respect to the trees and not with respect to building structure and it is thus submitted that the supplementary award is not in accordance with law, and thus, the entire proceedings deserve to be quashed. The said argument is completely misconceived.

8. A perusal of the supplementary award dated 13.05.1988 would show that the said supplementary award pertains to building / structure/ tubewell / trees falling on the land of various owners. The cases of several owners were decided by virtue of the said supplementary award. The petitioners figured at serial no.14. All the landowners, who had tubewell and other constructions including rooms were awarded compensation regarding the same and apparently the petitioners neither had nor were able to show the existence of any construction and were therefore not awarded compensation on the said aspect. A perusal of the said award would show that the issue with respect to building structures, tubewells and trees was duly considered. In case the petitioners were aggrieved by the said award,



they had every right to challenge the same within a reasonable time. Additionally and importantly it would be relevant to mention that the order of the Hon'ble Supreme Court vide its judgment dated 20.02.2018 had considered all the aspects and had finally adjudicated the case and even review application filed by the petitioners had been dismissed by the Hon'ble Supreme Court vide order dated 19.03.2020 (Annexure P-12) and thus, the petitioners are barred by the principle of constructive res judicata as well as Order II Rule 2 from raising the said pleas.

9. The Hon'ble Supreme Court in the case of ***Direct Recruit Class II Engineering Association Limited vs. State of Maharashtra & Ors.*** reported as ***(1990) 2 SCC 715*** by relying upon the judgment of the Hon'ble Supreme Court in the case of ***Forward Construction Company and others Versus Prabhat Mandal (Regd.) Andheri and others*** reported as ***1986 (1) SCC 100*** had observed that an adjudication is conclusive and final not only as to the actual matter determined but also as to every other matter which the parties might and ought to have litigated and every matter coming into the legitimate purview of the original action. It was further observed that the principle of constructive *res judicata* is also applicable to writ petitions.

10. The provisions of Order II Rule 2 CPC specifically provide that every suit shall include the whole of the claim which the litigant is entitled to make in respect of the cause of action within the jurisdiction of the Court and further specifically provides that omissions to claim any relief would then bar the said litigant from filing fresh proceedings to claim the said relief. The Coordinate Division Bench of this Court in the case of ***Mithan***



Lal Gupta vs. State of Haryana & Ors. reported as ***2021 SCC OnLine (P&H) 4546*** by relying upon Rule 32 of the Writ Jurisdiction (Punjab and Haryana) Rules, 1976 has held that said principle would also apply to writ proceedings. The relevant portion of said judgment is reproduced hereinbelow:

“11. Thirdly, any cause of action available to the appellant prior to institution of CWP-21603-2016 but not urged in the said writ petition, was also barred by the principle enshrined in Order 2 Rule 2, Code of Civil Procedure, 1908, as applicable mutatis mutandis to writ proceedings vide Rule 32, Writ Jurisdiction (Punjab & Haryana) Rules, 1976. Said Rule reads as under:

“32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply mutatis mutandis, in so far as they are not inconsistent with these rules.”

11. The SLP No.12574-12757 of 2020 filed against the said judgment has been dismissed by the Hon’ble Supreme Court vide order dated 08.08.2022.

12. This Court has seen that in a large number of cases after challenge to the land acquisition proceeding has attained finality up to the Hon’ble Supreme Court, the landowners instead of resting their case have chosen to further litigate, thus endlessly engaging the Court, bringing no finality to the acquisition proceedings and inordinately delaying the development of the area concerned. The present case is also one such case. The present writ petition thus deserves to be dismissed.

13. At this stage, learned senior counsel for the petitioners has submitted that as per letter dated 27.02.2026 issued by the office of the



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Estate Officer HSVP to the petitioners, the compensation amount of Rs.2,65,011.40 of the acquired land has been deposited in the Court of Additional Sessions Judge, Gurugram vide DD no.966781 dated 01.12.2025 and has submitted that the said compensation be paid to the petitioners along with interest in accordance with law.

14. On the said argument, learned State counsel has fairly submitted that in case the petitioners move an appropriate application before the learned Reference Court, Gurugram, the said amount as due to the petitioners would be released in accordance with law.

15. Thus, while dismissing the writ petition on merits, liberty is granted to the petitioners to move an application before the Reference Court, Gurugram for release of the compensation, which as per the case of the petitioners, has not been taken by them in view of the litigation pursued by them and in case any such application is filed, then, reference Court is requested to decide the same as expeditiously as possible and in case any amount is due to the petitioners, then, the same be paid to the petitioners, in accordance with law. Dismissed, with the said observations.

(VIKAS BAHL)
JUDGE

(SUBHAS MEHLA)
JUDGE

July 27, 2026.
Davinder Kumar

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