

302 CWP-20261-2025

GURDEEP SINGH GILL VS STATE OF PUNJAB AND ANOTHER

Present: Mr. Shailendra Jain, Sr. Advocate as Amicus Curiae with
Mr. Rahul, Advocate.

Mr. Gurjeet Singh Gill, Advocate
Mr. Manan Kheterpal, Advocate
Ms. Mannat Bir Kaur, Advocate for the petitioner.

Mr. Gurminder Singh, Sr. Advocate
Mr. Maninderjit Singh Bedi, Advocate General, Punjab
Mr. Maninder Singh, Addl. A.G., Punjab
Mr. Shekhar Verma, Addl. A.G., Punjab
Mr. Kuljit Singh, Addl. A.G., Punjab.

This Court on 30.07.20205, had passed the following order: -

“Learned counsel for the petitioner inter alia submits that in terms of the Land Pooling Policy, 2025, notified on 04.06.2025 (Annexure P-2), around 26,000 acres of land in Ludhiana District had been notified for setting up of residential and commercial projects. The petitioner is a resident of Village Phagla and is owner of 6 acres of land, which had been allotted to his father as a displaced person in lieu of their land in District Lyallpur, Pakistan. They have invested and have made improvements to the land which is now fertile but has been included in the impugned policy.

He further submits that the impugned policy has been purportedly notified under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short ‘Act of 2013’) and the Greater Ludhiana Area Development Authority vide the publication (Annexure P-3) has notified over 26,000 acres of agricultural land in the District Ludhiana, for ‘voluntary acquisition’ without carrying out the necessary environment and social impact assessment which is an essential prerequisite for acquisition of land under Sections 4 to 8 of the Act of 2013. Even the assessment as to whether it will serve the ‘public purpose’ for setting up residential and commercial complexes as set out in the Act of 2013 was not undertaken. A large number of public/ private housing/ commercial projects in Ludhiana District are already underway and are more than adequate to meet the existing and future needs of the public. The Act of 2013 also prohibits acquisition of multi-cropped land under Section 10 and allows it only under exceptional circumstances. He therefore submits that the Act of 2013 is being circumvented and the policy is wholly arbitrary and irrational.

He also contends that there is no provision for providing compensation at the time of acquisition and only an annual livelihood allowance of Rs.50,000/- per acre would be paid but it would be too meager for the sustenance of families of small and marginal farmers, who would be affected adversely. He again submits that the Policy is discriminatory against small land owners as it has been set out in Clause H(II) of the Land Pooling Policy that those offering 9 acres of land for land pooling would be given 3 acres for group housing while a land owner offering 50 acres would be returned 30 acres for plotted development, whereas the petitioner owns 6 acres of land and would be given only about an acre in return.

Issue notice to the respondents.

Notice re:stay as well.

Ms. Arundhati Kulshreshtha, AAG Punjab accepts notice on behalf of the respondent-State and prays for time to seek instructions.

List on 06.08.2025.

We deem it appropriate to appoint Sh. Shailendra Jain, Senior Advocate, who is present in the Court to assist the Court as Amicus Curiae.

Registry is directed to supply copy of the complete paper book to Mr. Jain.”

On 06.08.2025, this Court had raised certain queries, in response to which Learned Advocate General, Punjab had sought time. Relevant extract of the aforesaid order is as under:

*“Learned Advocate General, Punjab prays for time to inform this Court as to whether the Social Impact Assessment was carried out before notifying the policy and to respond to the arguments of the counsel for the petitioner as noticed in the order of this Court dated 30.07.2025. He shall also inform this Court if the Environmental Impact Assessment had been carried out before notifying the policy. It has been directed by the Supreme Court in the case of **Resident’s Welfare Association and another Vs. Union Territory of Chandigarh, (2023) 8 Supreme Court Cases 643**, that before permitting urban development, the Environmental Impact Assessment study should be conducted.*

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Learned Advocate General, Punjab shall also inform this Court as to whether there is any provision in the policy, for rehabilitation of the landless labourers and others, who do not own any land but are dependent on the land for their sustenance. He submits that the policy would be kept on hold and no further steps would be taken till the next date of hearing.”

2. Learned senior counsel appearing for the respondent-State submits that at this stage no Social Impact Assessment study is required to be carried out under Chapter II of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called 'Land Acquisition Act, 2013'), because neither the development work has commenced nor any compulsory acquisition is to be carried out under the Land Acquisition Act, 2013. He further submits that the Land Pooling Policy, 2025 as notified on 14.05.2025 and 04.06.2025 (hereinafter referred to as the 'policy') is 'purely voluntary' in nature. Land suitable for the development work has been identified, and the corresponding khasra numbers have been advertised inviting expression of willingness from the landowners. It is entirely upto the farmers/owners to offer their land under the policy. He also submits that no Environmental Impact Assessment study has been conducted as of now, and is not required at this stage. It shall be done later, at an appropriate stage when the Government is aware as to how many land owners have offered their lands under the policy. Therefore, the policy cannot be challenged in the Court on the aforesaid grounds. The affidavit of the Special Secretary, Government of Punjab, Department of Housing and Urban Development, Punjab, has been filed by learned Advocate General and the same is taken on record.

3. He submits and points out the object of the policy as set out in the preamble, is to '*boost the planned urban development, to ease the complications of compulsory land acquisition, to make the land owners as stakeholders in urban development and to share with them the benefits of such developments*'. There is an endeavour to stop the State from becoming a 'slum'. In the affidavit filed by the Special Secretary, Government of Punjab,

Department of Housing and Urban Development, Punjab, it is *inter alia* stated that ‘*in the past there has been no planned and sustainable development in the urbanized areas in the State of Punjab and this has resulted in illegal and haphazard growth of housing and commercial construction in urban areas of the State*’.

4. Learned *Amicus Curiae* submits that although it is the categorical stand of the respondent-State that the policy is ‘purely voluntary’ in nature, however, in the impugned notification, the land is proposed to be acquired not only through direct purchase from the owners but the remaining land not offered under the policy, is to be acquired by way of ‘compulsory acquisition’ under the Land Acquisition Act, 2013. He refers to Clause 6 of the Notification dated 14.05.2025, which reads as under: -

“6. If there remains any particular chunk of land for which the land owners are not willing to come under Land Pooling Policy then the said parcel of land will be acquired through the process as provided under LARR Act of 2013.”

He therefore, submits that the proposed action of the respondent-State shall fall within the definition of ‘project’ as defined under Section 3(z) of Land Acquisition Act, 2013. The State having not conducted any Social/ Environment assessment studies, would be in violation of the provisions of the Land Acquisition Act, 2013.

5. As noted by this Court in its earlier orders, a large number of land owners and others who themselves do not own the land, viz. landless labourers, artisans, MGNREGA workers and those carrying out other occupations in the villages, but are otherwise dependent on the said land for their livelihood, would be affected and there is no provision for their resettlement and rehabilitation under the Land Pooling Policy of the State.

Under the Land Acquisition Act, 2013, it is necessary to carry out the Social Impact Assessment before carrying out any acquisition to address such issues, as the Constitution conceives the nation to be a welfare State.

6. The policy proposes to have access to large parcels of land across the State. In the invitation published by GLADA (Annexure P-3), acquisition of a large chunk of land has been proposed-about 7806 acres in Ludhiana district itself. However, no environmental impact assessment has been carried out. Such large-scale acquisition may have an adverse impact on the environment and bio-diversity of the area.

7. Learned *Amicus Curiae* has also raised another concern that in view of pooling of land being coupled with compulsory acquisition, two categories of people would be created-(i) those who opt to offer their land under the policy and would receive a meagre subsistence allowance of Rs.50,000/- per acre from the time of issue of LOI up to the date of taking possession of land by the Authority and Rs. 1,00,000 per acre per annum with 10% increase per year from the date of taking of possession of the land to the date of offer of the Developed land to the land owners and an alternate developed land; and (ii) those whose land shall be acquired under the Land Acquisition Act, 2013 and would receive compensation in terms of the aforesaid Act. Therefore, the policy is arbitrary and unconstitutional.

8. Learned *Amicus Curiae* further submits that besides other infirmities, the policy also does not have any legal framework defining/fixing the timelines, or deadlines for the following: -

“(i) Fixing the time limit of the voluntary participation process.

(ii) Fixing of relevant date of taking up of the possession of land by the development authority from the farmers and the land owners for the development of the project for urban development under the mechanism of direct purchase.

- (iii) *Taking decision by the competent authority for invoking provisions of LARR Act, 2013 for the remanent land.*
- (iv) *Commencement of the proposed project for urban development.*
- (v) *Completion of the proposed project in terms of the relevant law.*
- (vi) *For delivering of developed share of land/promised plots under the policy to the farmers or land owners; and*
- (vii) *Payment of subsistence allowance by the development authority to the farmers or the land owners.*

9. It is also submitted that no grievance redressal mechanism has been made available to redress the grievances of those persons whose land falls under the land pooling policy or those who are otherwise affected by the policy, such as:

- (i) ensuring delivery timelines of developed land/plots;
- (ii) payment of subsistence allowance by the development authority to those persons opting for the policy;
- (iii) penalty provisions for non-adherence of the benefits delivering provision of the policy.

10. In response to the query of this Court as noted in our order dated 06.08.2025, as to whether there is any provision for rehabilitation of landless labourers, artisans, MGNREGA workers and those carrying out other occupations in the villages, learned senior counsel for respondent-State prays for time to seek instructions. He also submits that whatever concerns need to be addressed, shall be looked into at an appropriate stage by the Government. He also submits that no private builder would be allocated the land for any developmental activities and the development would be carried out by the State's statutory bodies including GLADA, GMADA etc.

11. In response to this, learned *Amicus Curiae* informs this court that the costs for such development project will be in the vicinity of Rs.1.25 crores per acre, and considering that land measuring about 7806 acres is to be taken over by the State Government in Ludhiana district alone, a budget of about Rs.10,000 crores would have to be allocated for the development in one

district alone. In response to the query of this Court, as to whether any budgetary allocation has been made for the proposed development project to be undertaken as per the said policy, learned senior counsel for the respondent-State submits that he has no instructions.

12. After hearing submissions of all parties, this Court is of the opinion that the State proposes to take over tens of thousands of acres of fertile land in the entire State of Punjab for carrying out its proposed development work, without carrying out any Social Impact Assessment or Environmental Impact Assessment study, although a stand is taken that the assessment would be carried out later when they have definite information about the number of land owners who have opted for the scheme. It has been held by the Supreme Court in several cases that before permitting urban development, the State ought to carry out an environmental impact assessment. We may refer to the recent judgement of the Supreme Court in the case of ***Resident's Welfare Association and another Vs. Union Territory of Chandigarh, (2023) 8 Supreme Court Cases 643***, relevant extract of which is reproduced hereunder: -

“174. Before we part with the judgment, we observe that it is high time that the legislature, the executive and the policy-makers at the Centre as well as at the State levels take note of the damage to the environment on account of haphazard developments and take a call to take necessary measures to ensure that the development does not damage the environment. It is necessary that a proper balance is struck between sustainable development and environmental protection. We therefore appeal to the legislature, the executive and the policy-makers at the Centre as well as at the State levels to make necessary provisions for carrying out Environmental Impact Assessment studies before permitting urban development.

175. We direct the copy of this judgment to be forwarded to the Cabinet Secretary to the Union of India and the Chief Secretaries to all the States to take note of the aforesaid observations. We hope that the Union of India as well as the State Governments will take earnest steps in that regard.”

13. It is also apparent that no timelines have been prescribed nor any mechanism has been provided that will address the grievances of the affected persons. Payment of subsistence allowance has been provided to the land owners, but there is no provision for rehabilitation of those landless labourers, artisans and others who are dependent on the land. It has also been submitted before this Court that the State's statutory bodies shall themselves develop the land but no budgetary provisions appear to have been made nor anything has been put forth before this Court to indicate that the State has adequate resources to finance the development project under the policy.

14. The submissions of learned *Amicus Curiae* assume significance, as the court has come across several instances wherein the owners have surrendered their land to the State development authority under the earlier land pooling policy, but the developed plots have not been allotted even after ten years. One such petition is CWP No.13774 of 2018, which was listed before us today itself and it was the contention of learned counsel for the petitioner therein, that although his land had been acquired under the Land Pooling policy, and the 'award' was announced on 10.06.2015 but the developed plot has not been allotted to him till date. He also stated that the development works had not even started in Sectors 90 and 91, Mohali by GMADA as on date.

15. We may hasten to add that the land which is sought to be acquired is amongst the most fertile land in the State of Punjab and it is possible that it may impact the social milieu. As noted in the order of this Court dated 30.07.2025, the Land Acquisition Act, 2013 bars the acquisition of multi-cropped land and such acquisition is permissible only in exceptional circumstances.

16. We are *prima facie* also of the view that the policy appears to have been notified in haste and all concerns including social impact assessment, environmental impact assessment, timelines and redressal grievance mechanism should have been addressed at the very outset in the policy, before its notification. At this stage Learned Advocate General and Senior Counsel appearing for the State of Punjab submit that all concerns of the Court shall be addressed by the next date of hearing and want some time in this regard. As an interim measure, lest any rights are created, the impugned Land Pooling Policy, 2025, notified on 14.05.2025 and 04.06.2025, and subsequently amended on 25.07.2025, shall remain stayed. In the meantime, the respondents may file the reply and complete the pleadings.

17. List on 10.09.2025 for arguments.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

07.08.2025
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