

COCP No.3580 of 2014

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

**COCP No.3580 of 2014
Date of decision:24.07.2015**

Sh. Kuldeep Singh @ Kuldeep Kumar and others ...Petitioners

Versus

Mr. Vinit Garg and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. M.S.Puri, Advocate,
for the petitioners.

Mr. Deepak Baliyan, Advocate,
for respondent no.1.

Mr. Deepak Manchanda, Addl. A.G., Haryana.

Rakesh Kumar Jain, J. (Oral)

Vide notification issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the “Act”) dated 20.06.2005, followed by the notification dated 26.06.2006 under Section 6 of the Act, land of the petitioners measuring 05 kanals 04 marlas, situated in the revenue estate of village Saha, Sub-Tehsil Saha, District Ambala, was acquired for setting up the Industrial Growth Centre, Saha Phase-II, at Saha, by the Industries Department, Haryana. The petitioners challenged that acquisition by way of CWP No.13232 of 2007 on the ground of discrimination alleging that out of the total proposed acquisition of 31 acres of land, 27 acres of land has been released. The said writ petition was

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disposed of on 30.09.2013, holding the petitioners entitled to the benefit of a policy and accordingly, the respondents were directed to consider claim of the petitioners for allotment of plot at Saha in accordance with the policy dated 09.11.2010, as early as possible, but not later than six months from the date of receipt of certified copy of the order.

Thereafter, the petitioners filed Review Application No.476 of 2013, in which the following order was passed by the Division Bench on 24.01.2014:-

“The review-applicant/petitioner seeks modification of the order dated 30.09.2013 whereby CWP No.13232 of 2007 along with some other connected cases challenging acquisition of their land for Industrial Growth Centre at Saha, Ambala was disposed of. As regards review applicant’s claim, it was directed that since his vacant land is required for construction and widening of State Highway No.31 as well as for 24 meter wide road besides the greenbelt, his claim for allotment of an alternative site under the Rehabilitation and Resettlement Policy dated 09.11.2010 is to be considered.

The review-applicant has moved this application to submit that even after utilization of the land for the above-mentioned purposes, there would remain some unutilized land which can be considered for the release.

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If that is so, we dispose of this application with a direction to the respondents that if there remains any unutilized land of the review applicant/petitioner(s), which is not needed for any public purpose in future also, the respondent-authorities may consider the desirability of releasing the same in accordance with law.

Let appropriate orders in this regard be passed within four months from the date of receipt of a certified copy of this order.”

The petitioner has now filed the present petition invoking the provisions of Section 12 of the Contempt of Courts Act, 1971, for the alleged non-compliance of the order dated 24.01.2014 passed in the review application.

After notice, the respondents have filed their respective replies and in the reply filed by respondent no.1, it is averred that in compliance of the order dated 24.01.2014 passed in the review application, the claim of the petitioners has been considered and a speaking order has been passed in this regard by the competent authority, holding that *“after having examined the facts of the case in the light of the provisions of the policy, as well as utilization of the land, I am of the considered view that no case is made out in favour of the petitioner either to release any part of the said acquired land i.e. 5 kanal 4 marla or to allot a commercial booth site/industrial plot under Rehabilitation and Resettlement Policy dated 09.11.2010. However,*

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the petitioner is entitled for a residential plot under reserved category as contained in the provisions of the Rehabilitation and Resettlement Policy dated 09.11.2010 under para 8.3, supra. The petitioner is advised to contact the estate developing agency i.e. the HSIIDC in this regard, and the HSIIDC is directed to take appropriate action in respect of allotment of plot as per the policy”.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that in view of the order passed by the Competent Authority dated 25.03.2015, the present petition does not survive and as such, the same is hereby dismissed.

July 24, 2015
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(Rakesh Kumar Jain)
Judge