

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

CWP No.3893 of 1992
Date of decision: 6.5.2015

Smt.Krishna Yadav

-----Petitioner

Vs.

The State of Haryana and another

-----Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present:- Mr. Ashok Kumar Mittal, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Ajay Kumar Mittal,J.

1. Challenge in this petition is to the notifications dated 23.1.1990 and 22.1.1991, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short, "the Act"), Annexures P.1 and P.4 respectively.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner vide registered sale deed dated 5.1.1988 purchased 10 marlas of land. Husband of the petitioner Shri Surinder Kumar Yadav also purchased 10 marlas of land vide registered sale deed dated 8.1.1988 from Smt. Sunia and Ram Pal etc. The land comprised in Khewat No.518, Khatauni No.756, Min Mustatil No.217/8/3 situated at Rewari. After the purchase of the said land, husband of the petitioner died on 13.2.1989 and the petitioner became the owner of his land also. The petitioner had constructed a residential house consisting of five rooms, two kitchen, bathroom etc. on this land and she is residing there. The petitioner had spent about ₹ 3 lacs for raising the aforesaid

construction much prior to the issuance of notification under Section 4 of the Act. Respondent No.1 issued notification dated 23.1.1990, Annexure P.1 under Section 4 of the Act whereby 79.44 acres of land in Rewari including the land of the petitioner was acquired for the public purpose, namely, for the development and utilization of the land as residential and commercial areas in Sector 3 Part for the Haryana Urban Development Authority. The petitioner filed objections on 19.2.1990 under Section 5A of the Act. According to the petitioner, as per policy of the State government, the lands on which constructions exist before the issuance of the notification under section 4 of the Act are not to be acquired. Respondent No.2 did not consider the objections in the light of the aforesaid policy. The petitioners assert that the respondents have acted discriminatorily while exempting the land of other owners. Hence the instant writ petition.

3. We have heard learned counsel for the parties.

4. In the reply filed on behalf of respondent No.2, it has been stated that out of 20 marlas of land, area measuring 10 marlas having construction over it was left out of acquisition. The land which has been acquired was completely vacant at the time of notification under Section 4 of the Act. The petitioner had sought quashing of the notifications on the ground that there was construction existing at the site in dispute at the time of issuance of notifications. This is a disputed question of fact. An affidavit dated 3.3.2015 has also been filed by Shri R.K.Singh, Additional Director, Urban Estates Department, Haryana wherein it has been stated as under:-

“2. That it is respectfully submitted that the released land of the petitioner measuring 0-10 M or 300 square yard bearing Khasra NO.217//8/4, abuts on 9 m wide access road as shown on part

demarcation plan of sector 3, Rewari (Annexure R.1). The road is functional at site.”

6. In view of the above, no ground for interference is made out. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 06, 2015
'gs'

(Rekha Mittal)
Judge