

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

**CWP No. 8626 of 1990
Decided on : 30.04.2015**

M/s Oceanic Exports Pvt. Ltd.

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

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

PRESENT: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Mandeep Kaur, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Sunil K. Sahore, Advocate
for respondent No.4 – NHAI.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner have approached this Court under Articles 226/227 of the Constitution of India, for quashing the notification dated 10.5.1989 (Annexure P-2), issued under Section 4 of the Land Acquisition Act, 1894 (for brevity 'the Act'). The notification dated 09.05.1990 (Annexure P-4), issued under Section 6 of the Act has also been assailed.

2. State has filed an affidavit of Sh. R.K. Singh, Additional Director, Urban Estate Department, Haryana, wherein, in para Nos. 2 &3, it has been stated as under:

“2. That the claim of the petitioner has been examined by the Government afresh after obtaining report from the Chief Administrator, HUDA. It was reported by the Chief Administrator, HUDA that out of claimed land of the petitioner measuring 5.20 acres, land measuring 1.49 acres had already been released before announcement of award on 07.05.1992. Out of the remaining land measuring 3.71 acres, land measuring

2.30 acres is required for development of 50 m wide green belt (including 10 m wide service road) and the balance land measuring 1.41 acres falls in between already released structures/land.

3. *That after considering report of the Chief Administrator, HUDA, the Government has decided to release the balance land of the petitioner measuring 1.41 acres which is falling outside 50 m wide green belt/service road. A part plan-cum-structure plate showing the already released structures/land of the petitioner (pink color), the land which falls under 50 m wide green belt/service road (green color) and the land which will be released by the Government (yellow color) is attached as **Annexure R-1.**”*

3. A plain reading of the above shows that the land measuring 2.30 acres is required for development of 50 m wide green belt (including 10 m wide service road), whereas, balance land measuring 1.41 acres falling outside 50 m wide green belt/service road, has been released.

4. Learned State counsel submitted that since the proceedings in the present petition had been stayed by this Court on 08th June, 1990, therefore, for the remaining acquired land measuring 2.30 acres, the award could not be passed and shall now be passed in terms of Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. In view thereof, learned counsel for the petitioner states that the instant writ petition has been rendered infructuous and may be disposed of as such.

6. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(REKHA MITTAL)
JUDGE

April 30, 2015

J.Ram