

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8693 of 1997

Date of decision: December 11, 2015.

Satya Devi

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri M.L. Sharma, Advocate, for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Shri K.S. Malik, Advocate for respondent Nos.2 & 4.

Hemant Gupta, J. (oral)

The challenge in the present writ petition is to the notifications dated 26.4.1995 and 23.4.1996 under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (in short the Act). The petitioner invoked the writ jurisdiction of this Court after announcement of the Award but challenging the notice under Section 9 of the Act.

During the pendency of the writ petition, an order was passed on 25.4.2014, in view of the fact that part of the residential house of the petitioner fell in the area earmarked for a plot. The State Counsel was directed to seek instructions as to whether the part of land of the petitioner can be released and the remaining portion of her property can be acquired so

that the adjoining properties are not affected.

Considering the said direction, Ms. Palika Monga has produced on record a communication dated 24.8.2015 giving two options. First was, to receive the compensation of the entire land including structures and to seek allotment of plot as per Re-settlement and Rehabilitation policy of the authorities. The second option was to the following effect:-

“(ii) The plot no.2467-P measuring 10 Marla, wherein the maximum portion of the residential house falls, may be released in favour of the petitioner, subject to the condition that she will be paid compensation after deducting compensation equal to twice the area of the plot being offered to her i.e. 20 Marla or 418 Sq. meters from compensation of her total claimed land measuring 1654.625 sq.m. subject to fulfillment of usual terms and conditions of the Department like payment of development charges and execution of an agreement with HUDA etc.”

On 9.12.2015, learned Counsel for the petitioner had sought time to find out which of the two options is acceptable to the petitioner. Today, Shri M.L. Sharma, learned Counsel for the petitioner, states that it is the second option that is of release of part of the land of the petitioner with condition of payment of compensation and development charges, is acceptable to the Petitioner.

In view of the said fact, the writ petition is disposed of with a direction to the respondents to act upon the second option given by it to the petitioner in accordance with law expeditiously.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

December 11, 2015.