

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

CWP No.1578 of 2015

Date of decision: December 21, 2015.

Ajad Singh Rana and others

... **Petitioners**

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 Sandeep Sharma, Advocate, for the petitioners.

Shri Vivek Saini, Deputy AG, Haryana
for respondents No.1 to 3.

Shri Amar Vivek, Advocate for respondent No.4.

Shri Manoj Sood, Advocate for respondent No.5.

Hemant Gupta, J. (oral)

The challenge in the present writ petition is to the notifications dated 21.12.2009 and 17.12.2010 published under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short the Act). In pursuance to such notifications, Award dated 20.6.2012 was announced.

The petitioners have challenged the acquisition of their respective land on the ground that such land has constructed residential areas even prior to publication of notification under Section 4 of the Act, therefore, in terms of the policy of the State Government, such constructed portion is liable to be exempted from acquisition.

This order shall also dispose of CWP Nos.21350, 21351, 21353,

21354, 21676, 21704, 22745, 22785 and 23584 of 2015, raising identical question of law and facts.

An affidavit has been filed on behalf of Additional Director, Urban Estates, Haryana, today in Court. As per the said affidavit, it transpires that (1) all land owners would be entitled to benefit of land-pooling scheme in terms of the policy so notified. (2) The land owners whose constructed portion can be adjusted, the State Government shall pass an order of exemption from acquisition after giving an opportunity of hearing to the affected land owners. (3) The land owners whose constructed portions cannot be adjusted in the overall planning of the development, they shall be considered for allotment of alternative plots in terms of Special Rehabilitation Package announced in respect of the Northern Periphery Road cases, such as in CWP No.8060 of 2008.

In view of the stand of the respondents and as explained in Court by the Learned Counsel for the respondents, and accepted by learned Counsel for the petitioners, we dispose of the writ petition with the following directions:-

- (i) The eligible land owners shall be given the benefit of land pooling scheme in terms of policy so notified, provided the land owners opt for such policy benefits on or before 31.1.2016;
- (ii) In all other cases, the respondents shall consider exemption of the constructed portion existing on the land in question prior to publication of notification under Section 4 of the Act after granting an opportunity of hearing to such land owners;
- (iii) If in case any constructed portions cannot be released from acquisition keeping in view the overall planning of the area in question, such land owners shall be entitled to benefit of Special Rehabilitation Package as announced for the oustees of the Northern

Periphery Road, as noticed by this Court in CWP No.8060 of 2008;

(iv) The respondents shall take expeditious decision in accordance with law.

Writ Petitions stands disposed of accordingly.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

December 21, 2015.
kadyan

<i>Sr. No.</i>	<i>CWP Number</i>	<i>Parties' Names</i>
1.	CWP-21350-2015	RATTAN LAL AND ORS V/S STATE OF HARYANA AND ORS
2.	CWP-21676-2015	SONA DEVI & ANR V/S STATE OF HARYANA AND ORS
3.	CWP-22745-2015	PANKAJ SARATHI AND ORS V/S STATE OF HARYANA AND ORS
4.	CWP-23584-2015	SATYENDRA SINGH AND ORS V/S STATE OF HARYANA AND ORS
5.	CWP-22785-2015	BINA AND ORS V/S STATE OF HARYANA AND ORS
6.	CWP-21351-2015	SHARDA DEVI AND ORS V/S STATE OF HARYANA AND ORS
7.	CWP-21353-2015	MANJU BALA AND ANR V/S STATE OF HARYANA AND ORS
8.	CWP-21354-2015	VIDYA DEVI AND ORS V/S STATE OF HARYANA AND ORS
9.	CWP-21704-2015	SHOBHA RAWAT AND ANR V/S STATE OF HARYANA AND ORS