

CWP No. 17244 of 2014

Date of Decision: 28.05.2015

LDPL Hotels & Developers Private Limited

---Petitioner

versus

State of Haryana and others

---Respondents

**Coram: Hon'ble Mr. Justice Ajay Kumar Mittal
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Aashish Chopra, Advocate
for the petitioner**

Mr. Sudeep Mahajan, Addl. A.G.Haryana

Ajay Kumar Mittal, J.

Challenge in this writ petition filed under Articles 226/227 of the Constitution of India is to the acquisition proceedings initiated in pursuance to notification dated 14.7.2011 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') followed by notification dated 11.7.2012 (Annexure P-9) issued under Section 6 of the Act. The consequential proceedings arising therefrom have also been challenged in this writ petition.

2. While issuing notice of motion on 15.9.2014, the following order was passed:-

“The petitioner is aggrieved by the notifications Annexures P/5 and P/9 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 whereby the land of the petitioner situated in village Bakhapur, District Rewari has been acquired.

Learned counsel submits that against the

notification issued under Section 4 of the said Act, the petitioner filed its objections under Section 5-A of the Act on which the Land Acquisition Collector-cum- SDO(C), Rewari has recommended that the case of the petitioner be considered for release of land.

Notice of motion for 20.11.2014.

In the meantime, parties are directed to maintain status-quo regarding possession.”

3. Learned State counsel has produced communication dated 21.4.2015 wherein it has been stated that after detailed discussion it was decided to withdraw the land from acquisition in public interest. The said communication is taken on record.

4. Office to tag the same at appropriate place.

5. In view of the above, the writ petition qua quashing of the impugned notifications, is disposed of as infructuous.

6. Learned counsel for the petitioner submitted that additional prayer was made to consider the claim for grant of Change of Land Use.

7. In the reply filed by respondents No. 2 and 3, it has been stated that application for grant of Change of Land Use was rejected by respondent No. 3 vide order dated 30.1.2009 (Annexure R-1). It has also been stated that the letter was returned undelivered to the petitioner.

8. Learned counsel for the petitioner submitted that he may be allowed to challenge the order dated 30.1.2009 (Annexure R-1) by taking alternative remedy of appeal under the Punjab Scheduled Roads and

Controlled Area Restriction of Unregulated Development Act, 1963. It was prayed that since the said order came to his notice by virtue of the reply to the writ petition, therefore, he may be allowed one month's time to file the appeal and period of limitation should not be taken as a ground for rejecting the appeal.

9. Keeping in view totality of the facts and circumstances of the case that the order was not delivered to the petitioner and had been received back by the respondent undelivered as per written statement, if the appeal is filed within one month from the date of receipt of certified copy of this order, the same shall be decided on merits in accordance with law.

(Ajay Kumar Mittal)
Judge

(Rekha Mittal)
Judge

28.05.2015
PARAMJIT