

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

**CWP No. 19625 of 2014
Decided on : 01.07.2015**

Ashwani Kumar and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

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

PRESENT: Mr. Naveen Chopra, Advocate for the petitioners.

Ms. Palika Monga, DAG, Haryana.

Mr. Ajay Nara, Advocate
for respondents No.3 - HUDA.

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition filed under Article 226 of the Constitution of India, is to the award dated 01.06.2000, in pursuant to the notification dated 04.06.1997, issued under Section 4 of the Land Acquisition Act, 1894 (for brevity 'the Act') followed by notification dated 02.06.1998, issued under Section 6 of the Act. A further prayer for directing the respondents to release the land of the petitioners as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the Act of 2013').

2. In response to the notice of motion having been issued, written statement on behalf of respondent No.2 has been filed, wherein in para No.4, it has been stated as under:-

*“4. That as per the petitioner's contention their land measuring in
Khasra No.122/19/1 and 121/22 in revenue Estate Jagadhri*

has been acquired by notification dated 04.06.1997 and 02.06.1998 which is incorrect. That by the notification dated 04.06.1997 and 02.06.1998 khasra no. 122/19/1 and 121/22 have not being acquired rather khasra nos. 114//42/1, 42/3, 116//22/3, 120//2, 121//19/1, 21, 26 min, 130//1, 11/3, 12/1 have been acquired by the notification dated 04.06.1997 (Copy of the notification is Annexed as Annexure R-1). The petitioners are agitating baseless grouse and are raising false grounds. That the co-sharers of the petitioners had also filed CWP contesting the release of same Khasra nos. in CWP No. 18399 of 2014 titled as Chander Sharma Vs. State of Haryana and others which was dismissed by this Hon'ble High Court on dated 18.12.2014 (Annexure R-2), the relevant paras of order are reproduced below for ready reference:-

The petitioner has prayed for quashing the notifications dated 04.06.1997 (Annexure P-1) and 02.06.1998 (Annexure P-2) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 and the award was passed on 01.06.2000 (Annexure P-4) vide which the land of the petitioner which is situated in Yamunanagar, District Jagadhri has been acquired.

In para 2 of the writ petition, the case of the petitioner is that his constructed property falls in Khasra No. 122/19/1 min and 121//22 min. It has been averred that the said property is used for commercial purpose from the date of purchase i.e. 01.01.1991. However, the respondents have acquired the said property vide the impugned notifications.

Reply has been filed on behalf of the State in Court today, wherein, it has been stated that Khasra No.122/19/1 and 121//22 have not been acquired by the State vide notifications dated 04.06.1997 and 02.06.1998 as has been stated by the petitioner.

In view of the categorical reply filed by the Land Acquisition Collector, Urban Estate, Panchkula, it is

clear that the contentions of the petitioner with regard to acquisition of his land by the aforementioned notifications are absolutely incorrect.

Resultantly, there is no merit in this writ petition and the same is dismissed.

Hence, the claim of the petitioners is baseless and without any merit.”

3. It has been specifically stated in the written statement filed on behalf of respondent No.2 that the land of the petitioners falling in Khasra Nos. 122/19/1 and 121/22 in the revenue estate of Jagadhri has not been acquired by the notifications dated 04.06.1997 and 02.06.1998 respectively, issued under Sections 4 & 6 of the Act. In view of the above, the present writ petition has been rendered infructuous and is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(REKHA MITTAL)
JUDGE

July 01, 2015
J.Ram