

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

CWP No.20374 of 2015

Date of decision: September 23, 2015.

Hari Singh

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

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

Present: Shri Manoj Kumar Sood, Advocate, for the petitioner.

Hemant Gupta, J. (oral)

The grievance of the petitioner is that enhanced compensation of Rs.7,64,646/- is not being paid to the petitioner for the reason that the petitioner is encroacher on the land since acquired for the benefit of Haryana State Infrastructure and Industrial Development Corporation Limited.

The petitioner refers to an order dated 10.8.2009 passed in a writ petition filed by the petitioner, wherein the dispossession of the petitioner was stayed till such time residential plot was not allotted to him. Therefore, the petitioner contends that the amount of enhanced compensation cannot be withheld till such time plot is allotted to him.

The petitioner has been found entitled to allotment of a 350 square yards of plot as per order passed by the competent authority on 20.7.2010. It was also ordered that the allotment letter will be issued on

finalization of the scheme. The plot has not been allotted. Since the petitioner is in occupation of the land, some part of compensation has been withheld on the recommendation of the beneficiary corporation. The petitioner would be paid such amount of compensation on vacating the land.

We do not find any illegality or irregularity in withholding of the amount of enhanced compensation since the petitioner continues in possession of the acquired land even after acquisition. The petitioner would be paid such amount when he vacates the land, which can be on allotment of plot or otherwise. We do not find that the petitioner should continue in possession of the acquired land, and also utilize the compensation while depriving the Corporation of the benefit of possession to carry out the purpose of acquisition.

Such action of the petitioner does not warrant any interference in the equitable jurisdiction of this court.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

September 23, 2015.
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