

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

CWP-22426-2014

Date of decision : 14.12.2015

Daud & others

..... Petitioners

Vs

State of Haryana & others

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Savita Rana, Advocate
for the petitioners.

Mr. Rajesh Sheoran, Addl. A.G., Haryana
for respondents No. 1 to 3.

Mr. G.N. Malik, Advocate
for respondent No. 4.

Mr. Anshul Jain, Advocate, for
Mr. Amar Vivek, Advocate
for respondents No. 5 & 6.

Rakesh Kumar Jain, J. (oral)

This petition is filed by the residents of village Baskhushla, District Gurgaon seeking a writ in the nature of mandamus directing the respondents to provide them an alternate burial ground i.e. graveyard.

In short, the Government of Haryana vide notification dated 28.6.2004, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') proposed to acquire land of village Baskhushla. It was followed by notification dated 24.6.2005 issued under Section 6 of the Act and award No. 30 dated 20.7.2006. In the process of acquisition of land, it is alleged, that land falling in Hadbast No. 127, Khasra No. 54, Rect. No. 43

measuring 1K-11M, being used for graveyard was also acquired. Since no alternative land was given to the petitioners for the purposes of burial of their dead, the petitioners have filed the present petition.

After notice, respondents have filed reply, in which it is averred in para Nos. 2 & 3 that :-

- “2. That in this regard it is respectfully submitted that the burial ground measuring 784 sq. mtrs. was acquired by the State of Haryana vide award No. 30 dated 27.07.2006 as part of the left out pockets for integration and completing the infrastructural facilities and other public utilities such as roads, water supply, sewerage, electrification, drainage etc. in village Baskhusla, Kasan, khoh and Manesar, Tehsil and District Gurgaon which now forms part of Phase-II, IMT Manesar.*
- 3. That as per the layout plan of phase-II, IMT Manesar, a site has already been reserved for cremation ground in sector-1, IMT Manesar and out of this site, land measuring 835 sq. mtr, has been proposed to be used as burial ground. A copy of the layout plan of Phase-II, IMT Manesar is enclosed as Annexure R-1, which depicts the acquired land and the site which is now being proposed for use as the burial ground. It is further added that in case the compensation for the original land has been lifted by the land owner, the same shall be deposited by the land owner along with interest.”*

After hearing learned counsel for the parties and examining the record, I am of the considered view that the earlier land was 784 sq. mtrs. before its acquisition but now 835 sq. mtrs. has been proposed to be given as burial ground. Learned State counsel has submitted that the land which has been proposed to be given for burial shall be handed over to the Wakf Board, who shall maintain the same under the Wakf Act, 1995. The possession of the same shall be delivered within one month to respondents No.3 & 4.

Disposed of.

(RAKESH KUMAR JAIN)
JUDGE

14.12.2015

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