

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

CWP No.22142 of 2015(O&M)

Date of decision:26.11.2015

Hukam Chand

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Vikram Singh, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the acquisition of land vide notification dated 05.01.2012 issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), whereby the land measuring 5 biswas 1 biswasi was sought to be acquired for the purposes of road in Sector 43, Gurgaon as per the Development Plan under the Haryana Urban Development Authority Act, 1977.

The petitioner claims that an agreement was proposed by the respondents so as to give alternative land to the petitioner in lieu of the land acquired. The petitioner seeks allotment of alternative land in the present petition.

The grievance of the petitioner is based upon the communications for exchange of land such as Annexure P-3 and P-4 dated 11.08.2011 and 02.09.2011, respectively. The petitioner is said to have accepted the offer of exchange vide communication dated 06.05.2011 (Annexure P-5). It was thereafter on 12.01.2012 vide Annexure P-6 the

follow-up action was sought by the Administrator, HUDA. Thus, the petitioner asserts that he is entitled to the land in lieu of the land acquired for the purposes of road.

We do not find any merit in the arguments raised. The aforesaid communications (Annexures P-3, P-4 and P-6) are all interdepartmental communications. Annexure P-5, the communication by the petitioner, is not in response to any communication addressed to him. Therefore, there could not be any binding agreement to provide alternative land to the petitioner since interdepartmental communications do not create any right in favour of the third person. Such communications are part of the decision making process which do not lead to any concluded contract unless a communication in pursuance of such communication is addressed to the petitioner.

In view thereof, the claim of the petitioner for exchange of land in lieu of land acquired does not warrant any consideration. The request for allotment of land has been considered by the respondents in terms of earlier direction issued by this Court. We do not find that such decision dated 16.04.2014 suffer from any illegality or irregularity warranting interference in the present writ petition.

Consequently, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

NOVEMBER 26, 2015
‘D. Gulati’

(SNEH PRASHAR)
JUDGE