

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

CWP No.22502 of 2015(O&M)

Date of decision:19.10.2015

Smt. Parkash Kumari Jain

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. H.S. Grewal, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The petitioner has claimed issuance of direction to the respondents to re-settle and rehabilitate the petitioner before she is dispossessed from her house.

The petitioner is 70 years aged woman, owning a parcel of land measuring 177 square yards. She lost her husband on 02.09.2001. A part of the land owned by the petitioner became subject matter of acquisition when the notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 21.09.2006. The objections under Section 5-A of the Act were filed by the petitioner on 15.01.2007 but the notification under Section 6 of the Act was issued on 25.05.2007. The petitioner challenged the acquisition proceedings before this Court vide CWP No.11623 of 2007, but the said writ petition stands dismissed by this Court on 12.08.2015. The purpose of notification is of laying of roads.

The petitioner claims that the red portion of the house as

shown in the site plan (Annexure P-1) is subject matter of acquisition, the demolition of which necessarily affects the remaining portion shown in blue colour in the said site plan. Therefore, the house of the petitioner should not be demolished without providing the alternative arrangements for her residence.

We have heard learned counsel for the petitioner and find no merit in the present writ petition. Once the land is being acquired for the purpose of laying of roads, there cannot be any pre-condition for use of land by the respondents. It is for the petitioner to make arrangements for re-modelling her house to make it habitable consequent to acquisition of land. The resettlement is a process subsequent to the possession taken by the State. A landowner can not be directed to be rehabilitated before, the possession is taken by State.

Admittedly, the Award determining the amount of compensation has not been announced. The petitioner is entitled to amount of compensation which shall be paid to the petitioner after announcing of the award. We do not find that there can be any pre-condition of rehabilitating the petitioner before the land is utilized by the respondents for the purposes of the acquisition.

We do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 19, 2015

‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE