

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

CWP No.22651 of 2015

Date of decision: October 21, 2015.

Sunita etc.

... **Petitioners**

v.

State of Haryana etc.

... **Respondents**

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

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

Present: Shri N.C. Kinra, Advocate, for the petitioners.

Hemant Gupta, J. (oral)

This order shall dispose of CWP Nos.22651 and 22654 of 2015 as common questions of law and facts are raised in both these cases. But for facility of reference, the facts have been taken from CWP No.22651 of 2015.

The land in question was sought to be acquired for which notification under Section 4 of the Land Acquisition Act, 1895 was issued on 15.12.2006 followed by a notification under Section 6 of the Act, issued on 14.12.2007. The Land Acquisition Collector announced award on 30.9.2009. The petitioners disputed the acquisition of land while filing earlier writ petition which was decided on 1.4.2014. This Court directed the respondents to verify the petitioners' claim as to whether the unutilized land of the petitioners is still needed for a bona fide public purpose. In terms of the said direction, the State Government has passed the order, now

impugned in the writ petition, finding that after the award was announced, possession of the land has been handed over to the Estate Officer, HUDA and that the petitioners have already received the compensation of the acquired land. It is also found that as per sectoral plan of Sector 36-A, land of the petitioners is required for the residential zone, public and semi public purposes and roads.

Once the petitioners have received the amount of compensation, the petitioners are estopped to challenge the acquisition. The sole grievance is that the unutilized land of the petitioners is not required for a bona fide public purpose. The stand of the State Government in the impugned order is that it is so required. Once a declaration under Section 6 of the Act is published, it carries a presumption that the land is required for a bona fide public purpose.

Learned Counsel for the petitioners further argued that the licences were granted to the developers which have been appended with the present writ petition as Annexure P-16 and P-17, to develop the part of the acquired land as colonies in the year 2009-10. We do not find that the grant of a license to a developer *per se* gives any right to the land owner to dispute the acquisition of his land. The petitioners have not made any such grievance regarding grant of license to the developers before the authorities or even in the earlier writ petition filed by them. Therefore, there is no discussion in the impugned order passed in respect of the allegations of discrimination in the matter of acquisition of land. In the absence of any grievance before the authorities, no finding could possibly be given. Therefore, the petitioners cannot be permitted to raise any other ground at this stage having failed to raise such grievance earlier.

We do not find any merit in these writ petitions.

Dismissed in limine.

[Hemant Gupta]
Judge

October 21, 2015.
kadyan

[Raj Rahul Garg]
Judge