

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

CWP No.22652 of 2015

Date of decision: October 21, 2015.

Mangat etc.

... **Petitioners**

v.

State of Haryana etc.

... **Respondents**

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.22652, 22653 and 22656 of 2015 as common questions of law and facts are raised in all these cases. But for facility of reference, the facts have been taken from CWP No.22652 of 2015.

The land of the petitioners was intended to be acquired for a public purpose, namely, public, semi public and residential purposes vide notification dated 15.12.2006 published under Section 4 of the Land Acquisition Act, 1894 (for short "The Act"), followed by a declaration under Section 6 of the Act published on 14.12.2007. The award was thereafter announced on 30.11.2009. The petitioners challenged the acquisition of their land thereafter in the year 2013.

In the earlier writ petitions filed by the petitioners to challenge the acquisition of their land, contention was that the acquired land was not utilized for the purpose for which it was acquired, therefore, a direction was

issued on 19.12.2013 in CWP No.28015 of 2015, to consider and decide the

representation as to whether the land can be released from acquisition under Section 48 of the Land Acquisition Act, 1895.

In the impugned order passed in pursuance of the orders passed by this Court, the State Government has found that the land was vacant at the time of publication of notification under Section 4 of the Act; it is still lying vacant and, therefore, the claim of the petitioners for release of the land in view of the policy dated 28.10.2007, as modified on 24.1.2011, is not tenable as such policy pertains to release of the land over which residential buildings have been constructed.

Since the claim of the petitioners does not fall within the parameters of the policy of release of land, we do not find that the petitioners can seek release of land under the provisions of Section 48 of the Act once the land stands vested with the State Government for a public purpose.

We do not find that the Petitioners have made any cause to seek intervention of this Court.

No merit.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

October 21, 2015.
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