

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

211

CWP-3329-2014

Date of decision-13.10.2015.

OM PARKASH

...Petitioner

VS

STATE OF HARYANA AND ORS.

...Respondents

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

Present:- Ms. Anita Balyan, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana
for respondents No.1, 3 and 4.

HEMANT GUPTA, J. (Oral)

Challenge in the present writ petition is to the notifications dated 30.06.2011 and 29.06.2012 published under Sections 4 and 6 of the Land Acquisition Act, 1894 (In short the Act). The notification under Section 4 of the Act was in respect of land measuring 322.32 acres of village Kheri Sampla and Sampla whereas the notification under Section 6 of the Act was in respect of land measuring 319.39 acres i.e. the remaining land was not included in the notification for the reason that there is construction over land measuring .17 acres and the permission of change of land has been granted in respect of land measuring 2.76 acres.

The sole argument raised by the learned counsel for the petitioner is that the land acquired is fertile whereas the Banjar kadim land is available, therefore, the uncultivable land should have been acquired for a stated public purpose.

We have heard learned counsel for the parties and find no merit in the writ petition. It could not be pointed out that any other land owner has invoked the writ jurisdiction of this Court challenging acquisition proceedings for the stated public purpose. The petitioner is owner of 1/3rd share of land measuring 94 kanal 10 marlas. The only objection raised in the objection by land owners under Section 5A is that the land is fertile and is only source of their livelihood and that after acquisition of land, the land owner will not be able to give proper education to their children.

A perusal of the objections (Annexure P3) shows that it is not by the petitioner but stated to be on behalf of all the farmers of village Kheri Sampla and Sampla. The petitioner has thus not filed any objections. The objections filed are generic which would be the situation in all acquisitions. The acquisition of land is bound to affect the source of livelihood of the farmers. The State has framed rehabilitation and resettlement policies for rehabilitation of the land owners consequent to acquisition but, only the fact that the land is fertile is not a ground to challenge the acquisition proceedings, when even the generic objections also does not specify the alternate land is available.

Thus, we do not find any merit in the writ petition. Hence, the petition is dismissed.

It is needless to say that since the award was not announced prior to commencement of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which came before January 01, 2014, the compensation has to be assessed in terms of Section 24(1) of the said Act.

(HEMANT GUPTA)
JUDGE

(RAJ RAHUL GARG)
JUDGE

October 13, 2015

SwarnjitS