

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5819 of 2015

Date of Decision: 30.3.2015

Raj Rani

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Tara Chand Dhanwal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Challenge in this writ petition filed under Articles 226/227 of the Constitution of India, is to acquisition of land by the notification dated 30.11.2006 (Annexure P-8) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 28.11.2007 (Annexure P-9) under Section 6 of the Act.

2. As per the averments made in the petition, originally, Smt. Shikha Shukla was owner of a plot measuring 4 biswa (200 square yards) situated at village Firozpur, Tehsil Kalka, District Panchkula. Smt. Shikha Shukla deposited a sum of ₹ 18,650/- for sanction of map for construction of the said plot vide receipt dated 28.6.2006 (Annexure P-1). After deposit of the aforesaid amount, respondent No.5 issued sanction letter dated 23.8.2006 (Annexure P-2). The petitioner purchased the said plot vide registered sale deed dated 27.12.2006 from said Shikha Shukla. In pursuance thereof, mutation dated 28.3.2007

(Annexure P-4) was sanctioned in favour of the petitioner. Government of Haryana issued notifications dated 27.11.1997 (Annexure P-5), dated 28.11.1997 (Annexure P-6) and dated 29.1.1993 (Annexure P-7) under Section 3 of the Punjab Land Preservation Act, 1900 notifying the areas contained therein for the conservation of ground water and to prevent land erosion. The entire land of Kalka Tehsil is forest land and cannot be used for non-forest purpose. Respondent No.3 issued a notification dated 30.11.2006 (Annexure P-8) under Section 4 of the Act followed by notification dated 28.11.2007 (Annexure P-9) under Section 6 of the Act for acquisition of the land situated within the revenue estate of village Surajpur including the plot of the petitioner for the public purpose, namely, for the development and utilization of land for residential area for Sectors 27, 28 and 30, Pinjore. The vendor of the plot in question submitted objection under Section 5-A of the Act. The Supreme Court vide order dated 7.8.2013 (Annexure P-14) allowed the appeals of the similarly situated persons and quashed the acquisition of their land. The petitioner made applications dated 10.11.2013 (Annexure P-15) and dated 18.6.2014 (Annexure P-16) to the Chief Minister, Haryana and respondent No.3 for the release of her land but to no effect. Hence, the present writ petition.

3. We have heard learned counsel for the petitioner.

4. It was not disputed that the petitioner had purchased the property in dispute measuring 4 biswa situated at Village Firozpur, Tehsil Kalka, District Panchkula on 27.12.2006 vide registry No. 2427 for ₹ 3,20,000/-. The notification under Section 4 of the Act was issued on 30.11.2006. The land having been purchased after issuance of notification, Annexure P-8, under Section 4 of the Act and more so when

there was nothing to show that the objection under Section 5-A of the Act was filed with regard to the acquisition by the vendor of the petitioner, no benefit can be derived from the judgment dated 7.8.2013 (Annexure P-14) passed by the Supreme Court, relied upon by the learned counsel for the petitioner.

5. In view of the above, no illegality or perversity could be pointed out in the said acquisition warranting interference by this Court. Accordingly, finding no merit in the instant writ petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

March 30, 2015
gbs

(REKHA MITTAL)
JUDGE