

In the High Court of Punjab and Haryana at Chandigarh

CWP No.694 of 2015 (O&M)

Date of decision: October 08, 2015

Raj Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. N.D. Achint, Advocate for the petitioners.
Mr. Vivek Saini, Assistant Advocate General, Haryana.

HEMANT GUPTA, J.(Oral)

Challenge in the present writ petition is to the notifications dated 26.03.2012 and 17.04.2013 published under Sections 4 and 5 of the Land Acquisition Act, 1894 (in short 'the Act') respectively. The petitioners have also challenged the order dated 04.07.2014 (Annexure P-7) whereby in terms of directions of this Court, the Committee constituted by the respondents have ordered that the release of the land of the Petitioners is not possible.

The State Government intended to acquire land measuring 24 kanal 16 marlas vide notification dated 14.07.2010 for the public purpose of constructing the bus stand in Farooq Nagar, Tehsil Gurgaon including the land of the petitioners measuring 11 marlas purchased vide sale deed dated 18.01.2008. The petitioners have raised shops on the land so purchased by them, therefore, they have sought release of the land from the acquisition.

Earlier the petitioners filed a writ petition before this Court i.e. CWP No.10597 of 2013, which was disposed of on 23.07.2013 with a direction to the

to the petitioners so as to consider allotment of a shop site near the bus stand if there is any proposal to develop such a commercial market. In pursuance of said directions, the Committee has considered the request of the petitioners and recording the following reasons:

1. The applicants are not the owners of the land. They have purchased the land.
2. The site plan of the shops on the spot are not available with the departments and the said shops are illegal.
3. These shops lie are situated on the schedule road and there is violation of provisions of Punjab Schedule road and controlled area restriction of unregulated development act, 1963 Punjab Act No.93 of 1963.
4. The Acquisition is made for public purpose and it is necessary to acquire the bus stand otherwise there shall be no place for entry and exit.
5. Keeping in view the aforementioned fact a decision has been taken that the shops with the land are required for construction of bus stand and these cannot be released out of total land 24 kanals 16 marlas. There is no policy of the government to acquire the land for providing the same to those whose land has been acquired for the public purpose. Therefore, the land of the applicants is acquired and according to the Government Rules they shall be entitled to compensation.”

Learned counsel for the petitioners contends that as a part of rehabilitation, the petitioners are entitled to shops, therefore, the respondents be directed to allotment of shops in the event, the land is necessarily required for the purpose of construction of bus stand.

We have heard the learned counsel for the parties and find that the reasoning given by the Committee that there will be no access of the land acquired

for the purpose of use as a bus stand makes it mandatory for the State to include

the land of the petitioners as part of acquisition for a public purpose. Therefore, we do not find that the petitioners are entitled to release of acquisition as the land is required for construction of the bus stand.

The Committee has found that there is no policy of the Government to acquire land for providing the same to those whose land has been acquired for public purpose. It is admitted fact that the State Government has Rehabilitation and Resettlement Policies for the benefit of the land owners, whose land is acquired. Such policies were considered by the Division Bench of this Court in LPA No.2096 of 2011 titled as Haryana Urban Development Authority and others Vs. Sandeep and others, decided on 25.04.2012 wherein direction has been issued to consider the claim of land owners for allotment of alternative sites in terms of the policies framed by the State Government from time to time. But the allotment of alternative site cannot be precondition for vesting of land with the State but the landowner would be entitled to plot in due course in accordance with law.

In view thereof, we do not find any merit in the present petition and the same is dismissed.

However, the claim of the petitioners for allotment of alternative site shall be considered in terms of Rehabilitation and Resettlement Policies framed by the State Government from time to time and in the light of judgment of this Court passed in LPA No.2096 of 2011.

(HEMANT GUPTA)
JUDGE

(RAJ RAHUL GARG)
JUDGE

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