

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

**CWP No. 8552 of 2014
Date of decision: 02.7.2015**

Naresh Kumar

.....Petitioner

Vs.

The State of Haryana and another

.....Respondents

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

Present: Mr. Akshay Jindal, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Ajay Kumar Mittal,J.

1. The petitioner prays for a direction to the respondents to release his land comprised in Khasra No.75/1/3 (0-15), Tehsil Safidon, District Jind which was acquired for Sector 8, Safidon, vide notification dated 23.8.2007, Annexure P.1 under section 4 of the Land Acquisition Act, 1894 (in short, "the Act").

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. Notification under Section 4 of the Act was issued on 23.8.2007, Annexure P.1 proposing to acquire 142 acres of land in Safidon for development of residential Sector 8 under District Jind. After considering the objections submitted by the land owners, the land measuring 74.10 acres only was proposed to be acquired under Section 6 of the Act. This area includes almost four acres of land

belonging to the petitioner. The petitioner has house on this land. Award was announced. Notice under Section 9 of the Act was also issued. The petitioner is in actual possession of the house. He was under the impression that his land had been released from acquisition. When the respondents tried to dispossess him, the petitioner came to know that his land had not been released from acquisition. The petitioner had constructed his house prior to the issuance of notification under section 4 of the Act. Electricity connection was also issued in the year 2000 to the petitioner. Aggrieved by the action of the respondents, the petitioner is before this Court through the present writ petition.

3. After hearing learned counsel for the parties, we do not find any merit in the writ petition.

4. The award was announced on 19.8.2010. The possession was taken and handed over to the Estate Officer, HUDA, Jind. After considering the objections, constructed portion i.e. 6 marlas out of total land of the petitioner was left out from acquisition. Further, compensation amounting to ₹ 23,59,358/- had been received by the petitioner vide Cheque No.425654 dated 31.8.2010 and the reference under section 18 of the Act filed by the petitioner had also been dismissed on 17.12.2013 by the Additional District Judge, Jind. The notification dated 23.8.2007 under section 4 of the Act has been challenged in the year 2014. In the reply filed by respondent No.2, it has been stated in para 4 as under:-

“4. That the land owners have been awarded proper and adequate compensation as per prevailing market price in lieu of their land including the amount of annuity for 33 years. The petitioner has received the amount of compensation of ₹ 23,59,358/- vide cheque No.425654 dated 31.8.2010. The petitioner also filed reference petition under section 18 of the

Act, which was dismissed by the learned Additional District Judge, Jind vide order dated 17.12.2013. The acquisition proceedings can only be challenged if there are procedural illegalities but in the present case there is none. Hence the Civil Writ petition is liable to be dismissed on this score alone.”

5. Since as per stand taken by the respondents that constructed portion has been left out and appropriate compensation has been given to the petitioner as per law, which averments have not been controverted by the learned counsel for the petitioner, we do not find any merit in the petition and the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 02, 2015
'gs'

(Rekha Mittal)
Judge