

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP No.7334 of 2015

Date of Decision: 13.08.2015

Ishwar Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr. Jitender Malik, Advocate, for the petitioner.

Mr. Sudeep Mahajan, Addl. AG, Haryana, for the respondents.

HEMANT GUPTA, J. (ORAL)

Challenge in the present writ petition is to the corrigendum dated 28.10.2014 (Annexure P-7), whereby notifications dated 11.01.2013 and 24.05.2013 published under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short 'the Act') were amended so as to acquire land measuring 46 Bigha 19 Biswa instead of land measuring 46 Bigha 11 Biswa earlier notified.

Pursuant to the notifications issued under Sections 4 & 6 of the Act, an award was announced on 08.08.2013. The impugned corrigendum has been issued under Section 13-A of the Act to correct clerical mistake in the notifications under Sections 4 & 6 of the Act. However, such corrigendum has been issued after more than one year of the announcing of the award on 08.08.2013, whereas such mistake could be corrected within 6 months of the announcing of the Award.

The fact is that the difference of land between the land notified for acquisition and the land, which was sought to be acquired by way of corrigendum, stands utilized for construction of road, which is in use by the general public.

Yesterday, Mr. Sudeep Mahajan, Additional Advocate General, Haryana, sought time to find out as to whether the State would be ready to pay compensation of 8 biswas of land, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'), which stands utilized by the State though it does not find mention in the notifications issued under Section 4 & 6 of the Act. Mr. Mahajan has sought time to get instructions for the reason that the petitioner is ready and willing to accept compensation under the 2013 Act in view of the fact that the land stands utilized for a public purpose.

Today, Mr. Mahajan has produced communication dated 12.08.2015 from the Haryana State Roads and Bridges Development Corporation Ltd., a State Government Undertaking to the effect that the State Government is agreeable to make payment to the land-owner as per 2013 Act.

Keeping in view the aforesaid communication, the present writ petition is disposed of with a direction to the respondents to make payment of compensation to the petitioner as per 2013 Act within a period of one month from today.

(HEMANT GUPTA)
JUDGE

13.08.2015
Vimal

(RAJ RAHUL GARG)
JUDGE