

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-13759-60-CWP-2014 in/and
RA-CW-604-2014 in
CWP-8549-2013**

**Mahinder Singh
Versus
FC & PS to Govt. of Haryana
Industries & Commerce Dept. &
Ors.**

Date of Decision: 30.01.2015

**CORAM: HONBLE MR.JUSTICE SURYA KANT
HONBLE MRS.JUSTICE LISA GILL**

Present: Mr. NS Shekhawat, Advocate for the applicant

Mr. RKS Brar, Addl. AG Haryana

SURYA KANT J. (Oral)

(1) This application seeks to recall the order dated 08.08.2014 whereby CWP No.14365 of 2012 was disposed of along with a bunch of cases. The above-stated writ petition was filed by the son of the review-applicant, namely, Mahinder Singh challenging acquisition of the land situated within the revenue estate of village Sohati and which was acquired for development of Industrial Model Township at Kharkhoda. The writ petition was disposed of with certain directions for the rehabilitation of affected landowners.

(2) The review-applicant (Jeet Singh) has averred that the acquired land which was subject matter of CWP No.8549 of 2013 filed by his son was actually owned by him and the writ petition was filed by his son without his consent or knowledge. The review-applicant has further averred that he has no objection against acquisition of his land and he wants to withdraw the amount of compensation as assessed by the Land Acquisition Collector though without prejudice to his right to seek

further enhancement. It is pointed out that the review-applicant who is the true owner of the acquired land never filed objections under Section 5A of the Land Acquisition Act, 1894.

(3) In the light of the above-mentioned averments made in the review application, notice was issued to the writ petitioner as well as the State of Haryana and HSIIDC and a direction was issued to maintain *status quo* regarding release of the compensation etc.

(4) As per the office report, the writ petitioner, namely, son of the petitioner has been served but no one appears on his behalf. Since no order prejudicial to the interest of the HSIIDC is being passed, it is not necessary to await its service.

(5) In the light of the peculiar situation noticed above where the review-applicant who is stated to be the true owner wants to withdraw the amount of compensation instead of alternative reliefs granted by us vide order dated 08.08.2014, whereas his son is aggrieved at the acquisition of the land, we dispose of this application with the following directions:-

- i. the Land Acquisition Collector-cum-District Revenue Officer Sonapat shall verify within one week from the date of receipt of a certified copy of this order as to whether or not the review-applicant is the true and sole owner of the subject acquired land?

- ii. whether the writ-petitioner – Mahinder Singh, namely, son of the review-applicant has also any share in the acquired property?
 - iii. if the entire acquired land of the family is exclusively owned by the review-applicant, in that case, the State of Haryana and HSIIDC are directed to release the compensation amount only in favour of the review-applicant in accordance with law and the directions contained in our order dated 08.08.2014 need not then be applied in favour of the review-applicant.
 - iv. however, if the son of the review-applicant, namely, Mahinder Singh is also found to be owner of part of the land, the order dated 08.08.2014 *qua* his land shall remain intact and unaffected. In other words, in that case the review-applicant shall be paid compensation to the extent of his share of land or his other family members who too are willing to accept the compensation in place of the benefits granted vide order dated 08.08.2014.
- (6) The review application stands disposed of in above terms.

(Surya Kant)
Judge

(Lisa Gill)
Judge

30.01.2015
vishal shonkar