

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5033 of 2009 (O&M)

Date of decision: 12.07.2016

Joginder Kumar & others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

1. Whether Reporters of the local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Jagdish Manchanda, Advocate for the petitioners.

Ms. Palika Monga, DAG, Haryana.

SURYA KANT, J (ORAL).

The instant writ petition assails the notifications dated 29.11.2006 and 28.11.2007 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 whereby land of the petitioners, as mentioned in para No.3 of the writ petition, has been acquired.

The Land Acquisition Collector, Urban Estate, Rohtak in his additional affidavit dated 11.3.2016 has categorically averred as follows:

“It is further submitted that the payment regarding the claimed/acquired khasra nos.14//13/2, 14//13/3 has already been taken by the petitioners vide cheque no.460040-460041-460042 dt. 30.12.2009 and no.460036 dt. 29.12.2009. After that this compensation has been enhanced by the Hon'ble ADJ Court @ 1 Crore per acre and the enhanced amount has also taken by the petitioners.”

These averments have again been reiterated in para No.8 of the affidavit.

In this view of the matter, when the petitioners have accepted the original as well as the enhanced compensation for their acquired land, they cannot be permitted to challenge the acquisition.

The writ petition is, thus, not maintainable.

Dismissed.

However, in case the averments made by the respondents in the additional affidavit are found to be factually incorrect, the petitioners shall be at liberty to seek revival of this petition.

(SURYA KANT)
JUDGE

July 12, 2016
ps

(DARSHAN SINGH)
JUDGE