

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10996-2015

Date of Decision: July 21, 2016

Raja Ram and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Sanjay Mittal, Advocate
for the petitioners.
Ms.Palika Monga, DAG, Haryana.

.....

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

SURYA KANT, J.

There are 15 petitioners in this case out of whom petitioner Nos.1 to 9 are residents of village Jhanjanwas, Tehsil and District Rewari, whereas the other petitioners, i.e. 10 to 15 are residents of village Piwra, Tehsil and District Rewari. All of them have laid challenge to the notifications dated 01.07.2011 and 26.06.2012 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), followed by award dated 08.11.2014.

Vide the above-stated notifications, land of petitioner Nos.1 to 9

measuring 6K 0M and that of petitioner Nos.10 to 15 measuring 13K 8M situated within their respective villages has been acquired.

The primary contention is that the petitioners have constructed their residential houses at the acquired site which deserve to be released as per Government policy.

Learned State counsel on the other hand refers to the averments made in the written statement as well as on instructions from Mr.Jagbir Singh, Kanungo, O/o Land Acquisition Collector, Gurgaon, to contend that land of petitioner Nos.1 to 9 was lying vacant at the time of issuance of notification under Section 4 of the 1894 Act and the construction, if any, raised by them is subsequently. On this premise it is urged that their claim does not fall within the four corners of the Government policy.

As regard to petitioner Nos.10 to 15, it is pointed out that their land measuring 38K 12M was proposed to be acquired but finally land measuring 17K 4M bearing Khasra Nos.13/2(1-4), 27(8-0) and 8/4(8-0) has been acquired whereas the remaining land including the area under construction has been released/not acquired.

Since petitioner Nos.10 to 15 are claimed to have raised the construction as depicted in the photographs on record in Khasra No.13/8 measuring 2K 4M, out of which only 1K 4M has been acquired, i.e. 1K land has been left out, it is clarified that the said acquired land measuring 1K 4M in khasra No.13/8 will be the vacant land only and not the constructed area.

As regard to petitioner Nos.1 to 9, there is not an iota of proof on

record to suggest that they constructed their houses before Section 4 notification was issued. Their claim, thus, does not fall within the ambit of the Government Policy. They should however be entitled to be considered in the 'oustees category' under the R & R Policy and their claim for allotment of residential plot(s) under such policy shall be considered immediately.

In our considered view the authorities have acted in a most fair and just manner while releasing most of the acquired land. Since public purpose of acquisition is *bona fide* and no procedural illegality or deficiency in the acquisition process has been pointed out, the writ petition challenging the acquisition of total 18K 8M left out vacant land is dismissed.

(SURYA KANT)
JUDGE

July 21, 2016
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(DARSHAN SINGH)
JUDGE