

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11961-2014

Date of Decision: July 21, 2016

Babu Lal 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 Vashisth, 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.

The petitioners 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, followed by award dated 08.11.2014 in respect of acquisition of their land measuring 27K 18M situated within the revenue estate of their village Piwara, Tehsil and District Rewari.

The afore-stated land forms part of a big chunk of land acquired for the public purpose of development and its utilisation for Residential Sector 20 Part and Sector 21, in Urban Estate, Rewari.

The primary contention of the petitioners is that they have constructed their residential houses over the acquired land much before the initiation of acquisition process and have thus, utilised the land for the same

public purpose for which it has been acquired. On this premises the petitioners have urged that the acquired land is liable to be released in view of consistent State Policies.

The Land Acquisition Collector, Gurgaon, has filed his reply-affidavit paras 2 and 3 whereof read as follows:-

“2. That the petitioners has claimed that the land bearing khasra No.3//10/2/2/2 (1-9), 11/1/1 (6-6), 4//13/1 (5-16), 14/1 (5-16), 15/1 (5-16) situated in the revenue estate of village Piwara, Tehsil and District Rewari.

3. That the constructed area petitioners in the land bearing khasra no.3//10/2/2/2 (1-9), 11/1/1 (6-6), 14/1 (5-16), 15/1 (5-16) has already released by the competent authority vide instruction issued in letter no.12/13/2013-3TCP dated 7.11.2014. Rest of the vacant land in bearing khasra no.4//13/1(5-16) included in the acquisition proceeding but the possession of the land was not taken due to stay proceeding passed by this Hon'ble Court.

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 5K 16M left out vacant land is dismissed.

(SURYA KANT)
JUDGE

July 21, 2016
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(DARSHAN SINGH)
JUDGE