

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11962-2014

Date of Decision: July 21, 2016

Parkash Chand 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 22K 16M situated within the revenue estate of their village Jhanjhanwas, 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 utilization 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 premise 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.11//8(8-0), 10(7-8), 11(7-8) Total measuring 22 kanal 16 Marla situated in the revenue estate of village Jhjanwas Tehsil and District Rewari.

3. That the constructed area petitioners in the land bearing khasra no.11//8 (7-0), 10(7-8), 11(7-8) measuring 21 kanal 16 marla 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 measuring 1 kanal in khasra no.11//8 min 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 view of the above-quoted stand taken by the respondents that a substantial part of the acquired land of petitioners except 1 kanal vacant area has since been released, the writ petition has, in a way, become infructuous and is disposed of accordingly.

**(SURYA KANT)
JUDGE**

July 21, 2016
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**(DARSHAN SINGH)
JUDGE**