

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12042-2015

Date of Decision: July 21, 2016

Mithlesh Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Naresh Kumar, Advocate for
Mr.R.D.Yadav, Advocate
for the petitioner.

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 petitioner is resident of Konsiwas, Tehsil and District Rewari. She has been forced to approach this Court as a small piece of land measuring 5M, i.e. 150 square yards comprising Khewat No.99, Khatoni No.117, Mustil No.1, Killa No.22 within the revenue estate of village Konsiwas, Tehsil and District Rewari, has been included in the acquisition carried out by State of Haryana vide notifications dated 01.07.2011 and 26.06.2012 under Sections 4 and 6 of the Land Acquisition Act, 1894, followed by award dated 08.11.2014.

The above-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 grievance of the petitioner is that she too has constructed her residential house on the plot as is depicted in the photographs.

The only plea taken by the respondents is that at the time of survey, nobody was found residing in the house. It cannot be a justifiable ground to discard the petitioner's claim or to deny her the benefit of Government policy.

For the reasons afore-stated, the writ petition is allowed. The acquisition qua petitioner's land is quashed.

**(SURYA KANT)
JUDGE**

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