

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.13099 of 2014
Date of Decision: May 11, 2016

Manju DeviPetitioner

versus

State of Haryana and othersRespondents

[2] Civil Writ Petition No.13101 of 2014

Kamlesh DeviPetitioner

versus

State of Haryana and othersRespondents

[3] Civil Writ Petition No.13112 of 2014

Sumit KumarPetitioner

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Arun Yadav, Advocate, for the petitioner(s)
Ms.Kirti Singh, Deputy Advocate General, Haryana.

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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. (Oral)

This order shall dispose of Civil Writ Petition
Nos.13099, 13101 and 13112 of 2014 as common questions
of law and facts are involved in these cases.

For brevity, the facts are being extracted from Civil
Writ Petition No.13099 of 2014.

[2] The petitioner seeks quashing of the notifications dated 07.07.2011 and 06.07.2012 issued under Section 4 & 6 of the Land Acquisition Act, 1984 (since repealed), respectively, as well as the speaking order dated 23.04.2014 whereby her claim for the release of acquired land has been turned down.

[3] The petitioner is owner of a plot measuring 13 marla, i.e. 385 square yards which is part of khasra numbers mentioned in para No.2 of the writ petition. Though the plot falls in village Jakhoda, Tehsil Bahadurgarh, District Jhajjar but the entire area comes within the municipal limits of Jhajjar.

[4] A big chunk of land including residential plot of the petitioner was acquired by the State of Haryana for the development of Sector-8, Jhajjar. Some of the aggrieved land-owners who had constructed their houses etc., approached this Court and a bunch of writ petitions was disposed of vide order dated 11.07.2013 passed in CWP No.15617 of 2012 (Jitender and another vs. State of Haryana and others), directing the authorities to conduct a fresh survey of the acquired land and if it is found that the constructed property or the vacant plots could be released without affecting the development plan of Sector-8, Jhajjar, then the same be released subject to such terms and conditions as are to be imposed as per the Government policy.

[5] In deference thereto, the Director General, Urban Estate Department, Haryana, passed the impugned order in respect of the petitioner's plot and has held as follows:-

“.... Thus, in compliance of the order of Hon'ble High Court, a resurvey of the site of the petitioner has been got conducted through JSIC headed by Administrator, HUDA,

Rohtak. The site is falling in residential Sector-8, Jhajjar. As per report, there was no construction at site at the time issuance of notification under Section-4. The resurvey was conducted on 29.1.2014 and as on that date, in newly erected structure temporarily occupied for residential purpose is reported at site. The JSIC has not recommended the release of land on the ground that the case is not covered under the policy dated 24.01.2011. The site is falling in the 12 meters wide internal road as per the layout plan of Sector-8, Jhajjar. It is relevant to point out that earlier as per order of the Government, after issuance of notification under Section-6, a resurvey of Sector-8, Jhajjar was conducted. As per this resurvey, all the releasable structures as per policy already stand released. Since, the site of the petitioner did not figure in that resurvey, meaning thereby that at that time of resurvey there was no construction at site and this has been confirmed from the latest report of JSIC, as per which a newly erected structure temporarily occupied for residential purpose is reported at site. This shows that the petitioner has raised the construction recently.....”

[6] In view of the above reproduced conclusion that the site of the petitioner falls in 12 meters wide internal road and that one room construction has been raised subsequent to the survey conducted by the authorities with a view to take undue benefit of the Government policy and the vacant plot of the petitioner is affecting the development work of Sector-8,

Jhajjar, hence the same cannot be released, we are satisfied that no direction for the release of petitioner's plot can be issued.

[7] We thus decline to interfere with the impugned order. However, the State Government shall, in terms of the commitment made through its Rehabilitation Policy, consider the petitioner's claim for allotment of a residential plot in urban estate, Jhajjar, in accordance with the terms and conditions contained in the policy.

Ordered accordingly.

[SURYA KANT]
JUDGE

May 11, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE