

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12694 of 2015
DATE OF DECISION: November 03,2016

Asian Diet Products Ltd.

...Petitioner

versus

The Additional Chief Secretary to Govt. of Haryana and
others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Anil Kshetrapal, Senior Advocate with
Mr.Rohit Nagpal, Advocate for the petitioner.
Mr.Ravi Dutt Sharma, DAG, Haryana.
Mr.Amar Vivek, Advocate for respondent No.2.

SURYA KANT, J.

The petitioner has approached this Court seeking a
direction to State of Haryana to notify its land released under
Section 48(1) of the Land Acquisition Act, 1894 (since
repealed).

The afore-stated direction has been sought in the
light of the fact that the subject land measuring 10 kanals,
fully described in para 2 of the writ petition and situated within

the revenue estate of village Mohammadpur Jharsa, Tehsil and District Gurgaon, was initially acquired but the State Govt. decided to release the same vide letter dated 5.7.2007.

Though more than nine years have passed but the release order has not been formally notified under Section 48(1) of 1894 Act and as a result thereof, the land has not been mutated in favour of the petitioner.

Since the land of the petitioner has already been released from acquisition, we see no rhyme and reason for not issuing the formal notification of release under Section 48 of 1894 Act (since repealed), where under the acquisition was made.

The fact that in some other pending writ petitions, the petitioner have referred to this case to alleged discrimination etc. is no legal impediment against issuance of notification under Section 48 of 1894 Act or for mutating the land in favour of the petitioner as both the actions can always be taken subject to final outcome of such process.

The needful be done within two months from the date a certified copy of this order is received.

The petitioner, however, shall not create third party rights till the decision of bunch of writ petitions, including CWP No.16363 of 2205.

Ordered accordingly.

(SURYA KANT)
JUDGE

November 03, 2016
KD

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No