

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CWP No. 12339 of 2016

Date of decision :04.07.2016

Adarsh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Ms. Savita Rana, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

SURYA KANT, J. (ORAL).

Notice of motion.

On our asking Ms. Palika Monga, DAG, Haryana accepts notice on behalf of respondents no.1 to 3. In view of the order which we propose to pass it is not necessary to call upon respondents no.4 and 5 at this stage or to seek reply from respondents no.1 to 3.

The petitioner is stated to be a resident of Block-C, Palam Vihar, Gurgaon, Haryana. He seeks a direction for declaring the notifications dated 02.06.2004 and 31.05.2005 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively, as well as subsequent proceedings including the award dated 29.01.2007 to the extent of acquisition of the residential property measuring 210 sq. yards comprised in khasra no. 80/2/2/1 in the revenue estate of village Choma, Tehsil and District Gurgaon as illegal, arbitrary and malafide,

out of which half of the land is stated to be owned and possessed by him. One of the plea taken by the petitioner is that his claim is covered under Section 24(2) of the Right to Fair Compensation and Resettlement Act 2013 (for short '2013 Act')

Having heard learned counsel for the parties, we find that the issues raised in this case are identical to those which were considered by this Court at the instance of other residents of village Choma, Tehsil and District Gurgaon in a bunch of writ petitions including CWP No. 9321 of 2000, decided on 31.10.2013 whereby various directions regarding release of the structures/residential houses alongwith proportionate and reasonable open space were issued. A further direction to carry out fresh survey and re-demarcation of the entire acquired land for the aforesaid purpose, was also issued.

Since the petitioner also seeks release of the residential property situated within the revenue estate of village Choma, Tehsil and District Gurgaon, we dispose of this writ petition with a direction that his claim be also considered in terms of the directions contained in **Surinder Kumar and ors. Vs. State of Haryana and others, CWP No. 9321 of 2000, decided on 31.10.2013.**

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 04, 2016
s.khan