

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14189 of 2014 (O&M)

Date of Decision: 29.08.2016

Ram Kishan Saini

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CWP No.25238 of 2014 (O&M)

Shri Niwas Rana & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. *Whether speaking/reasoned?*

Yes / No

2. *Whether reportable?*

Yes / No

3. *Whether Reporters of local papers may be allowed to see the judgment?*

Yes / No

4. *To be referred to the Reporters or not?*

Yes / No

5. *Whether the judgment should be reported in the Digest?*

Yes / No

Present:

Mr. Kanwaljit Singh, Senior Advocate with

Mr. Vipin Kumar Saini, Advocate (in CWP-14189-2014)

Mr. Sandeep Sharma, Advocate

for petitioner No.1 to 3 (in CWP-25238-2014)

Mr. ND Achint, Advocate

for petitioners No.4&5 (in CWP-25238-2014)

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) This order shall dispose of the above-captioned two writ petitions as in both the cases challenge has been laid to the notifications dated 21.12.2009 and 17.12.2010 issued under Section 4&6 of the Land Acquisition Act, 1894 (in short, 'the 1894 Act') *qua* acquisition of the land of the petitioners situated within the revenue estate of Village Choma, Tehsil and District Gurgaon. In addition, the petitioners also assail the order dated 11.02.2014 whereby their claim for release of acquired

(2) During the course of hearing, it transpires that the subject acquisition was also under challenge in a bunch of writ petitions which were disposed of by a Co-ordinate Bench vide order dated 21.12.2015 with the lead case **CWP No.1578 of 2015 (Azad Singh Rana & Ors. vs. State of Haryana & Ors.)**. The order reveals that in fact it was a consent order as an affidavit was filed on behalf of State of Haryana offering certain benefits and in terms thereof, the writ petitions were disposed of with the following directions:-

“In view of the stand of the respondents and as explained in Court by the Learned Counsel for the respondents, and accepted by learned Counsel for the petitioners, we dispose of the writ petition with the following directions:-

(i) The eligible land owners shall be given the benefit of land pooling scheme in terms of policy so notified, provided the land owners opt for such policy benefits on or before 31.1.2016;

(ii) In all other cases, the respondents shall consider exemption of the constructed portion existing on the land in question prior to publication of notification under Section 4 of the Act after granting an opportunity of hearing to such land owners;

(iii) If in case any constructed portions cannot be released from acquisition keeping in view the overall planning of the area in question, such land

owners shall be entitled to benefit of Special Rehabilitation Package as announced for the oustees of the Northern Periphery Road, as noticed by this Court in CWP No.8060 of 2008;

(iv) The respondents shall take expeditious decision in accordance with law.”

(3) Having regard to the above-reproduced agreed order, the instant writ petitions are also disposed of in same terms. Since the authorities are said to have earlier turned down the claim of the petitioners for the release of existing constructions on different pleas, it is directed that direction (ii) reproduced above, shall be complied with independently without adverting to the reasons which were earlier assigned by the authorities for rejecting the claim of petitioners. It is further directed that the petitioners shall be heard in person or in a representative capacity before deciding their claim in terms of the above-reproduced directions.

(4) With these observations and directions, the writ petitions stand disposed of.

(Surya Kant)
Judge

29.08.2016
vishal shonkar

(Sudip Ahluwalia)
Judge