

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

CWP no. 12953 of 2016

Date of decision :04.07.2016

Harpal Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Sandeep Sharma, Advocate
for the petitioner.

SURYA KANT, J. (ORAL).

This writ petition is the third desperate move made by the petitioner to wriggle out of the acquisition of his land measuring 8 Kanals situated within the revenue estate of village Kanhai, Tehsil and District Gurgaon, which was acquired vide notifications dated 20.04.1990 and 18.04.1991 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'Act') and in respect thereof the Award was passed on 23.03.1993. A big chunk of land was required for its development as a residential, commercial and industrial area comprising Sectors 44, 45 and 46 at Gurgaon by the Haryana Urban Development Authority (for short 'HUDA').

The petitioner apparently did not file any objections against acquisition of his land and admittedly received the compensation of Rs. 1,34,680/- vide cheque no. 0191655 dated

28.04.1993. Nevertheless, the petitioner approached this Court through CWP No. 25458 of 2014 claiming that he was still in possession of the acquired land. Hence, it was liable to be released under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'). He relied upon order dated 30.09.2014 passed in CWP No. 20414 of 2014 which was disposed of by this Court with a direction to the Land Acquisition Collector, Gurgaon to decide the petitioner's representation after taking the viewpoint of HUDA in a time bound manner.

As the petitioner did not get the desired relief, he again approached this Court through CWP No. 10997 of 2015, which was again disposed of by this Court on 27.05.2015 with liberty to him to approach the authorities, who then were directed to pass speaking order after hearing him.

The petitioner made representation which has been turned down by way of the impugned speaking order dated 30.04.2016 (P-15).

The Competent Authority has turned down the petitioner's claim keeping in view the following facts:-

- (i) The petitioner had admittedly received the compensation for his acquired land;
- (ii) The possession of the acquired land is stated to be with HUDA;
- (iii) The petitioner's land affects the site earmarked for primary school, water works as well as 10 meter wide internal road of the Urban Sector;
- (iv) HUDA has reported that the land is planned and

developed and planned plots have already been allotted;

Owing to the above factual conclusions drawn by the Competent Authority, we are of the considered view that the views taken by the Hon'ble Supreme Court in **Velaxan Kumar Vs. Union of India and others (2015) 2 SCC (Civil) 599** are distinguishable and cannot be pressed into aid to release the petitioner's land.

Dismissed.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 04, 2016
s.khan