

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

CWP No. 12964 of 2016

Date of decision :04.07.2016

Satish Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.N.C.Kinra, Advocate
for the petitioners.

Ms. Palika Monga, DAG, Haryana.

SURYA KANT, J. (ORAL).

Notice of motion to respondents no.1 to 3 only.

On our asking, Ms. Palika Monga, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondents no.1 to 3.

Let three copies of the writ petition be handed-over to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to call upon respondent no.4 or to seek any reply from the other respondents at this stage.

The petitioners earlier approached this Court in CWP No. 8052 of 2009, challenging the acquisition of their land

which was acquired for development of Sector 16, Sonipat. The writ petition was disposed of on 26.05.2014 on the statement made by learned State counsel that the petitioners, if agreed, shall be paid compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'). As the petitioners agreed to the offer, the writ petition was disposed of in above terms.

The State of Haryana however wanted to wriggle out of its undertaking and moved an application for modification of the order dated 26.05.2014. That application was dismissed on 03.07.2015 but with liberty to the State Government to release the petitioners' land to the extent it was not required to be utilized for any public purpose.

Finally, what has emerged out is that only land measuring 402 sq. yards of the petitioners has been utilized by the State. In COCP No. 424 of 2015 filed by the petitioners, a statement has been made on 06.04.2016 that petitioners shall be paid compensation for the abovesaid land as per the 2013 Act and that the acquisition qua the rest of their land has elapsed and the State is not interested to acquire that part of land. It was further stated that entries in the revenue record regarding ownership will be corrected within a period of four weeks'.

The petitioners have initiated this fresh round of litigation alleging that the respondents have not de-notified the land released from acquisition as panchnama of the "physical possession" of the released land is yet to be handed over at the spot and that no fresh award has been passed in respect of the compensation of 402 sq. yards land.

As regards to correction in the revenue record and restoration of ownership of the petitioners in respect of the land which has been released from acquisition, we direct the State authorities that if needful has not been done so far, let the entries in the revenue record comprising jamabandi be made in

favour of the petitioners within one month. A formal notification be also issued with specific description of the land released from acquisition so that the petitioners are free to utilize it being free from all encumbrances. The panchanama of the “physical possession” of the land shall also be prepared within two months.

As regards to non-payment of full amount of compensation for 402 sq. yards of land or the damages, if any to which the petitioners might be entitled to, we grant them liberty to initiate execution proceedings before the District Judge, Sonapat who may entrust the same to any officer of the Haryana Superior Judicial Service to treat the orders of this Court as an award under the Land Acquisition Act for the aforesaid limited purpose and determine the actual amount of compensation etc. payable to the petitioners.

Petition stands disposed of in above terms.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 04, 2016
s.khan