

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15216 of 2016 (O&M)

Date of Decision: 03.11.2016

Jagbir Singh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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| 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. SP Khatri, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners, in a way, are questioning the legality of acquisition of their land which took place long back vide notifications dated 19.10.2001 and 18.10.2002 issued under Sections 4&6 of the Land Acquisition Act, 1894. The award was announced on 14.10.2004.

(2) It appears from the fact pleaded by petitioners that the Haryana Urban Development Authority for whom the subject land was acquired, has exchanged a part of its land with a private builder. Coincidentally, the land exchanged by HUDA with the private builder was that of the petitioners. The said exchange is being taken as a 'fresh cause of action' for the purpose of initiating these proceedings.

(3) We have heard learned counsel for the petitioners and gone through the site plan (P11).

(4) It is undeniable that the acquisition was carried out in accordance with the procedure as contemplated under the 1894 Act. The objections filed by the petitioners under Section 5-A was duly considered.

The acquired land was thereafter handed over to HUDA for its development as a residential-cum-commercial Sector in the Urban Estate of Sonapat. Once the land was acquired in accordance with law, it stood vested in the State free from all encumbrances. The petitioners did not raise any grievance against the acquisition within a reasonable time, apparently because they had no objection against the acquisition. Their long silence and acquiescence is sufficient to draw such an inference. As regard to the exchange of land between HUDA and private builder, this Court can surely lift the veil and see whether such exchange has been done detriment to the public interest. We are unable to draw such an inference after seeing the location of the parcels of both the land in the site plan. The land exchanged is in direct proximity with the land which is already with HUDA for development of the residential Sector.

(5) For the reasons afore-stated, we do not find any merit in this writ petition which is accordingly dismissed.

(Surya Kant)
Judge

03.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge