

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17450 of 2016

Date of Decision: August 29, 2016

Tilak Raj and othersPetitioners

versus

State of Haryana and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.J.S.Dahiya, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of village Mirjapur, Tehsil Thanesar, District Kurukshetra. They are co-owners in the land measuring 8.281 acres which was proposed to be acquired vide notification 27.09.2013 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act') for the public purpose of utilization of that land as residential, commercial, institutional, green belt and road widening by the Haryana Urban Development Authority in a sector which is already fully developed. Meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act'), came into force, hence notification dated 26.09.2014 issued under Section 6 of the 1894 Act categorically recites that declaration under Section 6 of the 1894 Act is to be read with Section 24(1)(a) of the 2013

Act. Meaning thereby, the petitioners would be entitled to the compensation to be assessed under the new Act (2013 Act).

The petitioners, however, are still dissatisfied and have laid challenge to the acquisition. Their foremost plea is that they have already deposited the development charges to the tune of Rs.50,39,565/- out of total charges of Rs.84,86,940/-.

We have heard learned counsel for the petitioners and gone through the contents of documents relied upon by them. Since there is no document on record suggesting that the land was released or that any CLU granted to the petitioners, enabling them to deposit the development charges, coupled with the fact that the acquisition has been made for a *bonafide* public purpose, we decline to interfere with the impugned acquisition. However, keeping in view the above-stated plea taken by the petitioners, the writ petition is disposed of with a direction to the Land Acquisition Collector-respondent No.3 to verify the facts and if there is any decision taken by the Competent Authority to grant CLU to the petitioners for which they are said to have deposited a part of the development charges, let an appropriate decision in accordance with the Government policy be taken within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

[SURYA KANT]
JUDGE

August 29, 2016
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No