

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19406 of 2014 (O&M)

Date of Decision: 28.11.2016

Kali Ram & 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 |
| 2. Whether reportable? | 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. Vikram Singh, Advocate for the petitioners

Mr. Ravi Dutt Sharma, DAG Haryana

Ms. Gitanjali, Advocate for

Mr. Raman B Garg, Advocate for HUDA

SURYA KANT, J. (Oral)

(1) The petitioners have questioned the notifications dated 23.08.2007 and 21.08.2008 under Sections 4&6 of the Land Acquisition Act, 1894 vide which their plots measuring 100 sq.yard and 354 sq.yard i.e. total 454 sq.yards have been acquired for the purpose of development of Sector 7, 8 & 9 at Safidon, District Jind, primarily on the ground that they have constructed their residential houses and that the authorities have acted in a discriminatory manner in the matter of release of acquired properties.

(2) Reliance is placed on a decision of this Court in **CWP No.18678 of 2011 (Shiv Kumar & Anr. vs. State of Haryana & Ors.)** and other connected cases allowed on 10.07.2013 against which SLP has also been dismissed by the Apex Court on 18.09.2015.

(3) The Land Acquisition Collector has filed the written statement

has been controverted. It is further averred that all the petitioners have received compensation by way of different cheques way back on 28.10.2010. The averments made to this effect are as follows:-

“The petitioners have received the amount of compensation of the land in question vide cheque No.426889 dated 28.10.2010 amount Rs.102626.00 (petitioner No.1 Kali Ram), cheque No.426888 dated 28.10.2010 Amount Rs.188147.00 (petitioner No.2 Kunj Bihari), cheque No.426898 dated 09.11.2010 Amount Rs.188147.00 (petitioner No.3 Brij Mohan) and cheque No.426887 dated 28.10.2010 Amount Rs.376295.00 (petitioner No.4 Salig Ram) and annuity is also being paid to the petitioners every year. The petitioners have also filed reference petition under Section 18 of the Act for enhancement of compensation for their acquired land and these reference petitions were dismissed by the Ld. Additional District Judge, Jind vide order dated 17.12.2013.”

(4) Regardless of the fact that the petitioners have received compensation, we would have still considered their claim for the release of residential house, if any, found in existence at the site. We do not, however, find any proof to this effect. The khasra girdawari (P9) is in the name of Nand Kishore s/o Phool Chand. None of the petitioner is related to either Nand Kishore or his father Phool Chand.

(5) For the reasons afore-stated, there is no merit in this writ petition and the same is accordingly dismissed.

(Surya Kant)
Judge

28.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge