

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.18739 of 2016.
Date of Decision: September 09, 2016

Krishan SinghPetitioner
versus
State of Haryana and othersRespondents

[2] Civil Writ Petition No.18749 of 2016.

KrishanPetitioner
versus
State of Haryana and othersRespondents

[3] Civil Writ Petition No.18846 of 2016.

Dharam Pal and anotherPetitioners
versus
State of Haryana and othersRespondents

[4] Civil Writ Petition No.18757 of 2016.

RameshPetitioner
versus
State of Haryana and othersRespondents

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

Present: Mr.Shilak Ram Hooda, Advocate for the petitioner(s).
Mr.R.D.Sharma, DAG, Haryana for respondent Nos.1 & 3.

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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)

Notice of motion for respondent Nos.1 & 3 only at this stage.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate
General, Haryana, accepts notice on their behalf.

Let two copies of the writ petition be supplied 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 serve respondent No.2 or to seek any counter-reply from respondent Nos.1 & 3 at this stage.

This order shall dispose of CWP Nos.18739, 18749, 18846 and 18757 of 2016 as relief sought by the petitioner(s) in all these cases is common in nature.

For brevity, the facts are being extract from CWP No.18739 of 2016.

The petitioner is a resident of village Bidhal, Tehsil Gohana, District Sonapat. His land was proposed to be acquired by the State of Haryana vide notification dated 15.01.2013 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'), whereby a huge chunk of land spread in various villages of Tehsil Gohana, District Sonapat was decided to be acquired for Industrial Investment through the Haryana State Industrial & Infrastructure Development Corporation Limited. Thereafter, final declaration under Section 6 of the 1894 Act was also notified on 31.12.2013 (P-3) which also included the petitioner's land. Notice under Section 9 of the 1894 Act was also issued but no Award was passed. Meanwhile, 1894 Act has been repealed by 'the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (for short, 'the 2013 Act'). It is obvious that Award has to be passed in accordance with the 2013 Act as mandated by its Section 24(1).

The grievance of the petitioner is that no Award has been

passed so far. The petitioner can neither sell his land nor he is certain whether or not the respondents would take the acquisition to its logical conclusion. The aggrieved petitioner has served the respondent-authorities with a legal notice dated 03.04.2016 (P-4) but finding no response thereto, the instant writ petition has been filed.

It may be seen from the facts noticed above that more than three years have passed when acquisition process was started. The respondents have virtually frozen the petitioner's land thereby neither he can dispose of it in open market nor it has been acquired. There is no justification for the respondents to keep the acquisition process in abeyance for an indefinite or unreasonable period.

We thus dispose of this writ petition with a direction to the respondents to take a final decision and either the acquisition proceedings be dropped or Award be passed within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 09, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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