

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20079 of 2016 (O&M)

Date of Decision: 26.09.2016

Parkash & 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. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Sumit Gupta, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners have laid challenge to the notifications dated 30.12.2013 and 02.12.2014 issued under Section 4&6 of the Land Acquisition Act, 1894 (since repealed). They also challenge the award dated 01.04.2016 (P3) vide which the value of the acquired land in accordance with the provisions of the new Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has been assessed.

(2) We have heard learned counsel for the petitioners and gone through the records.

(3) The acquisition is admittedly for a public purpose of paramount importance, namely, Metro Extension to Bahadurgarh. The project is to be executed by a Govt. agency – HUDA. It is not in dispute that acquisition has been carried out following the mandatory procedure as prescribed under the Statute and no illegality is said to have been committed. The only plea taken

by the petitioners is that they have constructed their small residential houses at the site as is evident from the photographs.

(4) A bare perusal of the award shows that the acquiring authority was fully conscious of the fact that most of the affected landowners have constructed small shops, temple and one of them has a small house also, for which separate compensation has been duly assessed. The Award further suggests that a fair amount of compensation in accordance with the provisions of the new Act has been assessed. Still further, if the petitioners are dissatisfied with the compensation amount they are entitled to seek enhancement in accordance with law. There is nothing on record to infer that the acquisition is illegal or is suffering from any lacuna which may warrant interference by this Court.

(5) Faced with this, learned counsel for the petitioners submits and rightly so that the State of Haryana has formulated Resettlement and Rehabilitation Policy including dated 24.01.2011 whereunder the petitioners are entitled to allotment of alternative site. We thus dispose of the writ petition with a direction to the respondent-authorities to consider the claim of petitioners in accordance with the above-mentioned policy and/or any other welfare policy and grant the admissible benefits to them within a period of four months from the date of receipt of a certified copy of this order.

(Surya Kant)
Judge

26.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge