

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20603 of 2016 (O&M).

Date of Decision: October 03, 2016

Suman Saini and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

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

Present: Mr.Heman Aggarwal, 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)

This writ petition is a second attempt by the petitioners to seek quashing of the notifications dated 01.07.2011 and 26.06.2012 issued under Sections 4 & 6, respectively, of the Land Acquisition Act, 1894 (since repealed), as well as the Award dated 08.11.2014 whereby their land measuring 6 kanal 19 marla situated within the revenue estate of village Jhanjhawas, Tehsil and District Rewari, has been acquired for the public purpose of development of residential Sector 20 Part and Sector 21 in the urban estate of Rewari.

The petitioners had earlier filed CWP No.16523 of 2013 (before passing the Award) taking a stand before this Court that adjoining land on both sides of their plots owned by private builder and an affluent person have been released and thus the acquisition was made on pick and choose basis. Those averments were found to be false but still the writ

petitioners' claim for the release of their land as during the course of arguments, another vague plea regarding release of some other land was taken. No specific instance of releasing the land which can constitute 'discrimination', is pointed-out, yet the second writ petition has been filed now after passing of the Award claiming that no decision has been taken by the respondents pursuant to the directions issued on 29.04.2014 in the previous writ petition.

We have heard learned counsel for the petitioners at a considerable length and gone through the record.

It is not the case of petitioners that their objections under Section 5-A of the 1894 Act were not appropriately considered. Their land is admittedly lying vacant as can be seen from the photographs also.

The genuineness of the public purpose of acquisition is also beyond any doubt. The fact that a big chunk of land was acquired and residential sectors are being developed through a Government Agency, namely, Haryana Urban Development Authority, leaves no room to doubt that the respondents are committed to achieve the public purpose of acquisition. In the absence of any other material on record to suggest discrimination etc., we do not find any ground to interfere with the impugned acquisition.

Dismissed.

[SURYA KANT]
JUDGE

October 03, 2016

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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No