

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-21655-2016

Date of Decision: October 19, 2016

Shalini Singhal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 1. | Whether speaking/reasoned ?                                           | Yes/No  |
| 2. | Whether reportable ?                                                  | Yes/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. |

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Present: Mr.Sandeep Sharma, Advocate  
for the petitioner.

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**SURYA KANT, J.**

The land of the petitioner measuring approximately 393 sq.yards situated in village Pawala Khusurpur, District Gurgaon, forms part of the acquisition carried out vide Notifications dated 06.02.2013 and 27.12.2013 (Annexures P-1 and P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894, followed by the Award dated 24.12.2015 (Annexure P-8). The petitioner came to this Court challenging the above-stated Notifications through CWP No.6335-2014. However, a bunch of writ petitions including the one filed by the petitioner was dismissed as withdrawn on 30.07.2015 to file fresh petitions within three months after impleading the private builders, who were the alleged beneficiaries of acquisition in question.

The instant writ petition has thus been filed as a second attempt but again without impleading the so-called beneficiaries.

As per the impugned Notifications, the land has been acquired

for setting up Electric-Sub-Station which cannot be held to be a facility only meant for the private builders. Since the Award has been passed after the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity, 'the 2013 Act') has come into force, the Land Acquisition Collector has rightly extended the benefit of 2013 Act to the petitioner and other owners while passing the impugned Award. No illegality, thus, can be attributed to the acquisition process.

Similarly, the plea regarding existing construction is belied by the photographs on record as the four walls appear to have been constructed hurriedly to create a scene of construction at the site. There is no material at all on record to suggest that there existed any construction at the spot before issuance of Section 4 Notification.

For the reasons above-stated and keeping in view the 'public purpose' of acquisition, as elucidated in the recent decision of the Hon'ble Supreme Court in State of Haryana vs Eros private builders, 2016 AIR (SC) 451, we do not find any merit in this writ petition which is accordingly dismissed.

However, if the petitioner is entitled to allotment of an alternative plot under R&R Policy, the authorities are directed to consider and determine such claim within a period of four months from the date of receipt of a certified copy of this order.

**( SURYA KANT )**  
**JUDGE**

**( SUDIP AHLUWALIA )**  
**JUDGE**