

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22361 of 2016.

Date of Decision: October 26, 2016

Dinesh Singh and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Jagjot Singh, 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)

The land of the petitioners was acquired vide Award dated 13.01.2004 for the public purpose of construction of Residential Complex for Revenue Officers/officials at Hathin, District Faridabad. The instant writ petition has been filed seeking release of acquired land on the plea that the said 'public purpose' has since been achieved by a subsequent acquisition of petitioners' other piece of land. On this premise, a direction is sought for the release of the land acquired vide Award dated 13.01.2004.

We have heard learned counsel for the petitioners and gone through the record.

It is undeniable that once the land has been acquired in accordance with law, it vests in the State free from all encumbrances. There is no provision under the Land Acquisition Act, 1894 (since repealed)

whereunder the State can be directed to release the acquired land/property

except that the State Government could release the acquired property under Section 48 of the Repealed Act. Suffice it to observe that it is for the authorities to take a decision as to whether or not the petitioners' land acquired vide Award dated 13.01.2004 is required for the notified or for any other public purpose. Since the petitioners have raised such claim vide representation dated 27.04.2015 (P-11), we dispose of this writ petition without expressing any views on merits, with a direction to the respondents to decide the said representation by way of a reasoned order, within four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

October 26, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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