

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.22952 of 2016.

Date of Decision: November 07, 2016

Roop Chand

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Hardip Singh Dhillon, Advocate, for
Mr.Vikram Singh, Advocate, for the petitioner.
Ms.Palika Monga, DAG, Haryana, for respondent Nos.1 &2.

..-

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 & 2 only at this stage.

On our asking, Ms.Palika Monga, 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 seek any counter-reply from respondent Nos.1&2 or to serve respondent No.3 at this stage as no order prejudicial to their interest is being passed.

The petitioner questions the notifications dated 11.07.2006 and 16.07.2007 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, followed by Award dated 23.06.2009, vide which a huge chunk of land comprising revenue estate of Kasba Karnal was acquired for the public purpose of expansion of Industrial Estate, Sector-3, Karnal. The acquisition includes 100 square yard plot bearing Khasra Nos.3264 and

3265 allegedly owned by the petitioner. The date of sale deed is not

mentioned but it is claimed that the petitioner has constructed a residential house prior to issuance of notification under Section 4 of the Act. It is further averred that since the petitioner's residential house was in existence before Section 4 notification was published, it deserves to be released as per the Government Policy read with various decisions of this Court including in CWP No.4369 of 2004 (Jagdish Raj Sharma versus The State of Haryana and another) and other connected cases and CWP No.5211 of 2014 (Krishna Devi versus The State of Haryana and others), decided on 11.03.2014 (P-7 and P-8).

We have heard learned counsel for the parties.

Since the material on record cannot be taken as the conclusive proof of construction having been raised before issuance of Section 4 notification, we dispose of this writ petition without expressing any views on merits, with a direction to the Land Acquisition Collector-respondent No.2 to hold a fact-finding enquiry and if it is found that the residential house of the petitioner was in existence before issuance of Section 4 notification or that it is contiguous to the other residential houses in the Ram Dev Colony, let an appropriate decision in accordance with the Government Policy be taken within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

November 07, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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