

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25145 of 2014 (O&M)

Date of Decision: 04.07.2016

Rao Yadvendra Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Pankaj Jain, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

SURYA KANT, J. (Oral)

(1) The petitioner has laid challenge to the notifications dated 25.01.2012 and 20.12.2012 issued under Section 4&6 (P2 & P6, respectively) of the Land Acquisition Act, 1894 (in short, 'the 1894 Act') as well as the order dated 05.07.2013 (P7) whereby his objections under Section 5-A of the 1894 Act have been rejected. The State of Haryana acquired the land measuring 34.24 acres for the public purpose of construction of Bye-pass road to connect the 'Container's Depot' to Rewari-Narnaul Road (SH-26) via SH-15 at Rewari. The aforesaid land falls within the revenue estate of villages Rampura, Qutubur Maula and Jatuwas, Tehsil & District Rewari. The petitioner who is resident of Rampura, is also affected by the impugned acquisition as a part of his land fully described in para 2 of the writ petition has been acquired for the aforesaid purpose.

(2) The solitary contention raised by the petitioner is that the acquisition is not meant to serve any 'public purpose' rather is a colourable exercise of power to enhance the value and utility of the project of a private builder, namely, M/s Unitech Ltd., whose newly launched project is located on the proposed Bye-pass.

(3) The petitioner has averred that the above-named builder launched a new project in January, 2011 declaring its location abutting the proposed

Bye-pass. The impugned notifications acquiring the subject-land have been issued thereafter.

(4) The respondents have countered the above-stated claim of the petitioner in their written statement as well as in the additional affidavit filed by the District Town Planner, Rewari. It is explained that the outer Periphery Road/Bye-pass from Rewari-Jhajjar Road to Rewari-Shahjahanpur Road and further 45 meter road upto Rewari-Narnaul road was planned way back in the year 2007 when the Draft Development Plan of 2021 A.D. Rewari was notified (R1). The Development Plan depicts the location of the existing road(s) as well as the proposed Bye-pass which would connect the 'Container's Depot' to Rewari-Narnaul Road (SH-26) via SH-15 at Rewari.

(5) As the very foundation of the petitioner's allegation, namely, that the acquisition has been made to benefit the private builder who launched its project in the year 2011, stands belied by the Development Plan notified in the year 2007 in which the subject Bye-pass is duly depicted, we find no substance in this petition. As regard to other grounds, the pleadings do suggest that the mandatory procedure as prescribed in the 1894 Act has been duly followed by the authorities and the objections submitted by the petitioner under Section 5-A of the Act have also been duly considered and rejected by way of a reasoned order. The construction of Bye-pass is surely a *bona fide* public purpose which would call for no interference by this Court.

(6) Dismissed.

(Surya Kant)
Judge

04.07.2016
vishal shonkar

(Darshan Singh)
Judge