

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28257-2013

Date of Decision: October 07, 2016

Suman Sharma and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 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.S.K.Gupta, Advocate for
Mr.Ram Bilas Gupta, Advocate
for the petitioners

Mr.RKS Brar, Addl.AG, Haryana.

Ms.Jarnail Kaur Dhaliwal, Advocate
for respondent No.3-HUDA.

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SURYA KANT, J.

The petitioners have laid challenge to the Notifications dated 11.02.2011 and 10.02.2012 (Annexures P4 & P7) issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, vide which small pieces of their land have been acquired for development of Sectors 7, 8 and 11 at Taoru, District Mewat.

Grievance of the petitioners is that their residential houses have not been released from acquisition. Since the acquired land/plots stood utilized for the same very purpose for which acquisition has been made and that too well before issuance of Section 4 notification, their houses deserve

to be released as per the Government Policy. They have also pleaded discrimination in the matter of release of residential houses as according to them, the properties of affluent persons of 'A' class construction have been released whereas their 'B'/'C' Class constructed houses are sought to be acquired.

On August 08, 2016, we directed the authorities to re-consider the petitioners' claim objectively and take a fresh decision.

In deference thereto, the Director, Urban Estates Department, Haryana, has informed the Advocate General, Haryana, vide Memo dated 06.10.2016 as under:-

“In compliance with order of the Hon'ble High Court dated 08.08.2016, it is intimated that the Government has decided to release the constructed portion of land and building Smt.Suman Sharma and Sh.Manish Tayal (petitioners No.1 and 3) alongwith equivalent open space, total area measuring 4.15 Marla and 3 Marla, respectively. The LOI/land release order will be issued in favour of both the petitioners as per terms and conditions of the Department. As regards Sh.Pardeep Sharma (petitioner no.2), it is intimated that his land is lying vacant at site and is affecting 24 mtr wide road. Hence, no land is found fit for release in his favour.”

It may be seen that residential houses of petitioner Nos.1 and 3 alongwith equivalent open space have been released from acquisition. Their claim thus stands satisfied.

As regard to petitioner No.2, learned State counsel has referred to the photographs of the site which appears to be vacant land. He also refers to the lay-out plan of the proposed residential Sector. Since the vacant land of petitioner No.2 falls under 24 mtr road alignment and a part of it further falls in the proposed Shopping Centre, the respondents are justified in not

releasing the same. It is however undeniable that the second petitioner is entitled to allotment of a plot under the Rehabilitation & Resettlement Policy of State of Haryana. We thus dispose of this writ petition with a direction that let petitioner No.2 be allotted a commercial booth/shop site in the Shopping Centre Area being developed on his acquired land. Such allotment shall be made under the Rehabilitation & Resettlement Policy whereunder petitioner No.2 shall have no other claim except compensation for the acquired land. However, if petitioner No.2 is willing for allotment of a residential plot instead of commercial site, the needful may be done accordingly.

Disposed of.

(SURYA KANT)
JUDGE

October 07, 2016
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(SUDIP AHLUWALIA)
JUDGE