

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26247-2014

Date of Decision: July 21, 2016

Mamlesh and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Abhishek Yadav, Advocate
for the petitioners.

Ms.Palika Monga, DAG, Punjab.

.....

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.

Petitioners are three sisters, daughters of Krishna Devi and are residents of village Piwara, Tehsil and District Rewari. Their land measuring 4K 16M, which is 1/3rd share of the land fully described in para 2 of the writ petition, has been included in the acquisition carried out by the State of Haryana vide notifications dated 01.07.2011 and 26.06.2012 issued under Sections 4 and 6 of the Land Acquisition Act, 1894, followed by award dated 08.11.2014.

The acquisition has been made for the development of

Residential Sector 20 Part and Sector 21 in the Urban Estate at Rewari. The petitioners who after their marriage appears to be settled at different places, have averred that they own and regularly maintain their residential houses in the parental village which have been constructed on the acquired land and are depicted in the photographs. They have made a pointed reference that their land/house is abutting the *pucca* street of the village and is thus, a part of the *abadi deh*.

Having gone through the record, we find substance in the plea taken by the petitioners. Since the petitioners have partly constructed their acquired plot which is contiguous and is an integral part of the village *abadi*, there is no rhyme and reason for the respondents to acquire the same, more so when the petitioners are utilising and have further undertaken to utilise the land for residential purpose only.

For the reasons afore-stated and subject to the petitioners' filing their respective undertaking by way of affidavit to the effect that they shall utilise the vacant land in conformity with the zoning plan, namely, for residential purposes only, the acquisition qua their land measuring 4K 16M is hereby quashed.

Disposed of in above terms.

(SURYA KANT)
JUDGE

July 21, 2016
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(DARSHAN SINGH)
JUDGE