

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.25744 of 2016.

Date of Decision: December 13, 2016

Mukesh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

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

Present: Mr.N.C.Kinra, Advocate, for the petitioners.
Ms.Palika Monga, Deputy Advocate General, Haryana.

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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)

Notice of motion to respondents no.1 to 3 only.

On our asking, Ms. Palika Monga, learned Deputy Advocate General, Punjab, accepts notice on their behalf.

Let three copies of the writ petition be handed-over 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 call upon respondent no.4 or to seek any reply from the other respondents at this stage.

The petitioners had earlier approached this Court in CWP No. 8052 of 2009, challenging the acquisition of their land which was acquired for development of Sector 16, Sonipat. The writ petition was disposed of on

26.05.2014 on the statement of State counsel that the petitioners, if would agree, shall be paid compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'). As the petitioners accepted the offer, the writ petition was disposed of in above terms.

State of Haryana however wanted to wriggle out of its undertaking and moved an application for modification of the order dated 26.05.2014. That application was dismissed on 03.07.2015 but with liberty to the State Government to release the petitioners' land to the extent it was not required to be utilized for any public purpose.

Finally, it emerges out that petitioner's land measuring 2001 sq. yards only has been utilized by the State. In COCP No. 424 of 2015 filed by the petitioners, a statement was made on 06.04.2016 that petitioners shall be paid compensation for the utilised land as per the 2013 Act and that the acquisition qua the rest of their land has elapsed and the State is not interested to acquire the same. It was further stated that entries in the revenue record regarding ownership will be corrected within a period of four weeks'.

The petitioners have initiated this fresh round of litigation alleging that the respondents have not 'de-notified' the land released from acquisition as the panchnama of "physical possession" of the released land is yet to be handed over at the spot and that no fresh award has also been passed in respect of 2001 sq. yards acquired land.

As regards to correction in the revenue record and restoration of ownership of the petitioners in respect of the land which has been released from acquisition, we direct the State authorities to do the needful

and restore the entries in revenue record in favour of petitioners within one month. A formal notification be also issued with specific description of the land released from acquisition so that the petitioners may utilize it being free from all encumbrances. The panchanama of the “physical possession” of the land shall also be prepared within two months.

As regards to non-payment of full amount of compensation for 2001 sq. yards of land or the damages, if any to which the petitioners might be entitled to, we grant them liberty to initiate execution proceedings before the District Judge, Sonipat, who may entrust the same to any member of Haryana Superior Judicial Service, so as to treat the orders of this Court as an award under the Land Acquisition Act for the aforesaid limited purpose and determine the actual amount of compensation etc. payable to the petitioners.

The writ-petition stands disposed of in above terms.

[SURYA KANT]
JUDGE

December 13, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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