

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.2698 of 2015.

Date of Decision: August 23, 2016

Baljeet Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Sanjeev Kodan, Advocate, for the petitioner.
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)

The petitioner has laid challenge to the notifications dated 23.03.2012 and 07.05.2013 issued under Sections 4 & 6 of the Land Acquisition Act, 1895, respectively, whereby his land measuring 1 kanal 3 marla situated within the municipal limits of Jhajjar was included in the land measuring 10 acres 04 kanal and 16 marla acquired by the State of Haryana for construction of a new Bus Stand at Jhajjar, which is a district headquarter.

The petitioner questions the acquisition on the ground that he has constructed a residential house over the site and the same is liable to be released in terms of the Government Policies issued from time to time including dated 26.10.2007. He has averred that the house was constructed before issuance of Section 4 notification, hence it is liable to be exempted.

The respondents have opposed the petitioner's prayer. Separate written statements have been filed by the District Town Planner, Jhajjar as well as the beneficiary department, namely, the Transport Department. It is maintained that the acquisition has been made following the prescribed procedure and the alleged house comprises one room only, which could not have been exempted as it was abutting the 'Exit Gate' of the Bus Stand and would have caused obstruction in the free flow of traffic etc. It is alleged that the room was constructed unauthorisedly in violation of the Punjab Scheduled Road and Controlled Area (Restriction of Unregulated Development) Act, 1963. Reliance is also placed on a Coordinate Bench judgment of this Court in CWP No.2499 of 2015 (Suresh Chander Phogat versus State of Haryana and others), decided on 29.10.2015, whereby the subject acquisition was upheld. It is an admitted case of the parties that the one room alleged house has since been demolished.

We have given our thoughtful consideration to the rival submissions. The *bonafide* of public purpose for which the land was acquired, is beyond any pale of doubt. There is no procedural irregularity committed while acquiring the land. As regard to the Policy dated 26.10.2007, it is true that in respect of the residential house of an expropriated owner, the benefit of subject-policy can be extended but when the land is acquired for construction of Bus Stand, the residential house within the same vicinity is bound to hamper the very object of public purpose of acquisition. We have seen the photographs on record which clearly suggest that the Bus Stand has been complete and is functional.

Suffice it to say that the petitioner is entitled to claim compensation for the construction raised by him for which he will have to

lead evidence before the appropriate forum. Similarly, the petitioner may claim entitlement under the Rehabilitation and Resettlement Policy, the allotment of a residential plot in accordance with such policy.

For the reasons afore-stated, we find no infirmity in the impugned acquisition.

Dismissed.

[SURYA KANT]
JUDGE

August 23, 2016
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[SUDIP AHLUWALIA]
JUDGE

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