

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-27560-2015 (O&M)

Date of Decision: December 02, 2016

Vaishnavi Promoters and Builders

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR. JUSTICE HARI PAL VERMA

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Ajay Jain, Advocate
for the petitioner.
Ms.Palika Monga, DAG, Haryana.

.....

SURYA KANT, J.

There are seriously disputed questions of facts involved in this petition especially with regard to delivery of physical possession of the acquired land. These questions cannot be determined by this Court. Symbolic possession taken at the time of passing of the Award cannot be treated at par with the actual physical possession of the acquired property. The question as to whether the petitioner continued to retain physical possession of the acquired land till his writ petition/SLP was dismissed, can be effectively determined by the appropriate Forum on consideration of documentary and oral evidence.

In this view of the matter, we dismiss this writ petition and relegate the petitioner to alternative remedy.

**(SURYA KANT)
JUDGE**

December 02, 2016

**(HARI PAL VERMA)
JUDGE**

Meenu
2016.12.07 14:19
I attest to the accuracy and
authenticity of this document
chandigarh

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |