

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5110 of 2016.

Date of Decision: July 08, 2016

Fateh Singh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

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

Present: Mr.R.D.Yadav, Advocate, for the petitioners.
Mr.R.D.Sharma, 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.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on behalf of respondent Nos.1 & 3.

Let two copies of the writ petition be supplied 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 seek any counter-reply from respondent Nos.1 & 3 or to call upon respondent No.2 at this stage as no order prejudicial to their interest is being passed.

[2] The petitioners are residents of village Patli Hajipur, Tehsil Farukhnagar, District Gurgaon. Their land forms part of a big chunk of land acquired by the State of Haryana vide notifications dated 05.02.2010 and 11.02.2011 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, for the development of Industrial Estate by the Haryana State Industrial Development Corporation Limited. Aggrieved by the acquisition, the petitioners earlier approached this Court through CWP No.2630 of 2012 which was disposed of vide order dated 11.09.2013 with a direction to the respondents to conduct fresh survey and if it is found that residential houses, as shown in the photographs, were not released, consider the desirability of releasing those houses in accordance with the Government Policy.

[3] In deference to those directions, the Principal Secretary to Government of Haryana, Industries and Commerce Department has passed a self-speaking order dated 06.05.2015 in which the claim of every individual petitioner has been duly considered. The speaking order also contains the photographs of the houses alongwith open space released in favour of most of the petitioners. We are thus satisfied that the above-stated order has complied with the directions previously issued by this Court and would not call for any interference. As regard to the first petitioner, the State Government in its above-stated order has candidly admitted that a residential house on the land measuring 1 kanal is constructed and he is entitled to release of 2 kanals land including proportionate open area. It is further mentioned that release of the petitioner's residential house alongwith open area "would affect the Warehousing plot No.8...". The Principal Secretary has decided that "keeping in view the planning of the project, the

HSIIDC is directed to exchange this area with other pocket of 2 kanal land in the area reserved for R & R plots.

[4] Learned counsel for the petitioners submits that unless the first petitioner is given 2 kanal land in terms of the above-stated directions, he will not be able to construct his residential house to vacate the acquired site. He submits that a direction be issued to the authorities to exchange the area of the first petitioner in a time bound manner so as to enable him to construct the residential house and vacate the acquired site. We find his prayer to be just and fair. The writ petition is accordingly disposed of with a direction to the State Government and HSIIDC to comply with the order of the State Government (P-6) and provide 2 kanals land to 1st petitioner-Fateh Singh in the area reserved for R&R plots.

[5] Let the needful be done within a period of three months from the date of receiving a certified copy of this order and thereafter only, the 1st petitioner be asked to vacate the acquired site.

[6] Ordered accordingly.

[7] Dasti.

**[SURYA KANT]
JUDGE**

July 08, 2016
mohinder

**[DARSHAN SINGH]
JUDGE**