

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

CWP No.950 of 2015

Date of Decision: 21.11.2016

Balraj Taneja (through LRs)

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|---|------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes |
| 2. <i>Whether reportable?</i> | No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | No |
| 4. <i>To be referred to the Reporters or not?</i> | No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | No |

Present: Mr. Sandeep Kumar Bokolia, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

Mr. Deepak Balyan, Advocate for respondents No.3&5

SURYA KANT, J. (Oral)

(1) The petitioner's land measuring 2 bigha 6 biswa situated within the revenue estate of Karnal has been included in the acquisition made for development of Industrial Estate, Sector 37 at Karnal. The above-stated Industrial Estate is to be developed by a Government agency, namely, Haryana State Infrastructure and Industrial Development Corporation Ltd. (HSIIDC). The petitioner represented for the release of his land on humanitarian grounds as unfortunately he is stated to be suffering from blood cancer. The beneficiary Department, namely, the Corporation considered the petitioner's request and vide memo dated 04.09.2012 (P11), it recommended the State Government to release the petitioner's land under Section 48 of

the Land Acquisition Act, 1894 (since repealed) subject to the following conditions:-

- *“The applicant will obtain CLU from the Town and Country Planning Department and pay EDC & IDC to HSIIDC.*
- *The applicant shall give an undertaking for regularizing the boundaries of the site.*
- *That the applicant shall withdraw all the court cases pending in the Hon’ble Courts relating to the land in question, if any.”*

(2) Since no decision was taken by the State Government, the petitioner has approached this court.

(3) State of Haryana has now in its written statement taken a categorical stand that the petitioner’s representation along with recommendations made by HSIIDC have been considered by the Government and it has been decided not to release the petitioner’s land.

(4) As regard to the validity of the acquisition, the same stands upheld by this Court vide judgment dated 07.11.2016 passed in **Brahm Devi @ Balbir Singh & Ors. vs. State of Haryana & Ors. (CWP No.5863 of 2013)** whereby a bunch of writ petitions were disposed of.

(5) In these circumstances when the State Government has already considered the petitioner’s claim, no positive direction for the release of his property can be issued. The petitioner, however, is entitled to allotment of an alternative site in terms of the Resettlement and Rehabilitation Policy of the State Government. We thus dispose of the writ petition with a direction to the State Government and HSIIDC

to consider the petitioner's claim in terms of that policy and allot alternate site as per his entitlement as early as possible but not later than four months from the date of receipt of certified copy of this order.

**(Surya Kant)
Judge**

21.11.2016
Vishal shonkar

**(Sudip Ahluwalia)
Judge**