

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9393 of 2016

Date of Decision: 13.5.2016

Inder Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

1. Whether the Reporters of the 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?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Satyapal Khatri, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the acquisition proceedings initiated vide notifications dated 17.11.2005 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.2.2006 (Annexure P-5) under Section 6 of the Act, the award dated 2.3.2006 and the order dated 2.3.2016 (Annexure P-7) declining the claim of the petitioners that acquisition proceedings have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "2013 Act").

2. The petitioners are owners in possession in equal shares of the land measuring 25 kanal 14 marlas situated within the revenue estate of village Badh Khalsa, District Sonapat. They had constructed a house having 'A' Class construction in killa No. 22//2/1/2(0-18) 15 years ago. As per the photographs, Annexure P-2, they have constructed four shops and one room on the first floor, in front of the road and 20 rooms behind the shops. Government of Haryana issued a notification dated 17.11.2005 (Annexure P-4) under Section 4 of the Act followed by notification dated 7.2.2006 (Annexure P-5) under Section 6 of the Act for acquisition of land of various villages including the land of the petitioners for the development and utilization of land as residential, commercial and institutional for Sectors 65 to 68, Sonapat. The award was passed on 2.3.2006. The petitioners filed objections under Section 5-A of the Act. The petitioners are in actual cultivating possession of the land in question and no compensation has been paid to them. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. The staff of Haryana Urban Development Authority (HUDA) had come to the site on 18.11.2014 and started the measurement of the land and asked verbally to vacate the land within a week otherwise the construction would be demolished. The petitioners filed CWP No. 24342 of 2014 for release of their land under Section 24 (2) of the 2013 Act. This Court vide order dated 14.5.2015 (Annexure P-6) disposed of the said writ petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas

as had been raised in the writ petition within a period of two months before the appropriate authority who was directed to decide the same in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of four months from the date of receipt of the representation. In pursuance thereto, the respondents vide order dated 2.3.2016 (Annexure P-7) rejected the claim of the petitioners. Hence, the present writ petition.

3. We have heard learned counsel for the petitioners.

4. In the impugned order dated 2.3.2016 (Annexure P-7), it has been categorically observed that land of the petitioners measuring 25 kanal 14 marlas was acquired by the respondents. Objections under Section 5-A of the Act were filed by the petitioners but no land was released. The award was passed on 2.3.2006 and the possession of the land was taken by the Estate Officer, HUDA, Sonapat on the same day. Moreover, 80% of the compensation had been disbursed but the petitioners had not taken the amount of compensation. Further, it has been recorded that the land of the petitioners falls in the area for rail orbital corridor, 100M E.P. Expressway Green Belt, LIG Housing Scheme Commercial Facility Part, 30m road and development work in the adjoining area is complete. The zonal committee had discussed the matter in detail and recommended for not releasing the land of the petitioners as it would adversely affect the whole area of Sectors 65 to 68 (Rajiv Gandhi Education City, Sonapat). Though the petitioners claim that they are in physical possession of the land in dispute as per Annexures P-1 to P-3, but they have not been able to substantiate that the same is legal and valid as according to the respondents the

possession was taken on the date of announcement of the award on 2.3.2006.

5. In view of the above, no ground for release of the land of the petitioners under Section 24(2) of the 2013 Act is made out. Consequently, the writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

May 13, 2016
gbs

(RAJ RAHUL GARG)
JUDGE