

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

CWP No.12574 of 1993 (O&M)

Date of Decision:- 10.08.2017

Brij Mohan and others

... Petitioners

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Akshay Jindal, Advocate, for the petitioners.

Ms. Palika Monga, DAG, Haryana.

Mr. Ankur Mittal, Advocate, for respondent No.5.

Rajesh Bindal, J.

The petitioners have filed the present writ petition challenging acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (Annexures P-2 and P-3) were issued on 08.02.1989 and 07.02.1990, respectively.

The petitioners claimed that being proprietors, they were in possession of the acquired portion of land, hence, entitled to receive compensation and further part of the land being not acquired finally, deserves to be released in favour of the petitioners and possession be handed over to them.

The stand taken by the respondents is that in fact, the land was recorded as '*Shamlat deh of kasba Karnal*' which was vested in the

Improvement Trust and thereafter now it vests in Municipal Corporation, Karnal. After the acquisition of land, the compensation for the same was paid to the Improvement Trust, Karnal on 08.05.1992. No issue was raised by the petitioners. Hence, the petitioners cannot claim that they are owners of the land in dispute.

After hearing learned counsel for the parties and considering the fact that dispute regarding title to the acquired land has been raised, which cannot be gone into in writ jurisdiction. The parties, if so advised, may get the issue of title to the property settled before appropriate forum and abide by the final judgment therein.

The writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

August 10, 2017
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No