

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

CWP No. 15496 of 2004 (O&M)

Date of Decision: 22.05.2017

M/s Afrik Farms Pvt. Limited

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: None for the petitioner.

Mr. Ankur Mittal, Addl. AG Haryana.

RAJESH BINDAL,J.

1. The petitioner has approached this Court praying for quashing of order dated 23.07.2004, passed by the Divisional Forest Officer, Yamuna Nagar, rejecting the claim of the petitioner for award of compensation for the land allegedly owned by the petitioner but utilized by the State decade back.

2. The petitioner in the present case pleaded that he is owner in possession of the land which was purchased by him vide sale deed dated 31.8.1999. For the first time in the zamabandi for the year 2001-02, entry regarding construction of Dam on part of the land was made. Meaning thereby the Dam was constructed in that year. As the petitioner has already purchased the land prior to that he is entitled to be paid compensation therefor.

3. On the other hand, the stand taken by the respondents is that the Dam was constructed way back in the year 1991. The petitioner was not even owner of the land at that time. He had admittedly purchased the same in the year 1999. The earlier owner never raised any issue regarding construction of Dam on small portion of land owned by her as it was for the benefit of residents of the area. The construction of Dam has resulted in better utilization of land owned by the land owners in the area, as otherwise there was lot of soil erosion, due to heavy flow of water.

4. The petitioner when purchased the land very well knew the status thereof and cannot now be permitted to raise issue regarding payment of compensation. None of the other land owners who had also volunteered to give land for the construction of Dam, have raised any issue regarding compensation therefor. For delay reference was made to the judgment of this Court in CWP No. 26060 of 2015, titled as Azad Singh Versus State of Haryana and others, decided on 27.04.2017.

5. Heard learned counsel for the respondents.

6. In the case in hand, the Dam was constructed by the State in the year 1991. The petitioner had purchased the land part of which was utilized for the purpose of construction of Dam, when the petitioner was not even the owner of the land, in the year 1991. He sought to raise issue regarding payment of compensation therefor and the first writ petition was filed by him in the year 2004 and on a direction issued therein, the impugned order was passed.

7. The original owner having never raised any issue regarding utilization of her land for the purpose of construction of Dam, which infact was for her benefit and considering the Division Bench judgment of this Court in Azad Singh's case (supra), prima-facie, we do not find any merit in the present petition.

8. However, as learned counsel for the petitioner is not available, the writ petition is dismissed for non prosecution.

(RAJESH BINDAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

22.05.2017
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Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No