

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18747 of 2004 (O&M)
Date of decision: 27.7.2017

Jaswant Singh and others

.. Petitioners

v.

The State of Haryana and others

..Respondents

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

Present: None for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal J.

The petitioners approached this court with the prayer that the land owned by them was utilised by the State for construction of Dholi Distributory without acquisition thereof. Prayer is for either handing over possession of the land back to the petitioners or acquire the same and pay compensation to them. Further prayer has been made for grant of mesne profits for the period the State utilised the land without any acquisition.

The stand taken by the respondents is that though earlier the process for acquisition of land was initiated, however, the same could not be completed. Finally, notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 9.3.2004 and vide award dated 30.3.2006, compensation was assessed by the Land Acquisition Collector (for short, 'the Collector') and even the amount assessed by the Collector has been paid to the petitioners.

Learned counsel for the State is not aware of the fact as to whether the petitioners felt satisfied with the compensation so paid or raised any objection.

After hearing learned counsel for the State, we find that the land having been acquired and the compensation paid to the landowners in terms of the assessment made by the Collector, the relief to the extent that the land be returned to the petitioners does not survive any more.

As far as claim of the petitioners for grant of mesne profits for the period the State remained in possession of the land before acquisition thereof, in our opinion, for the purpose the petitioners can avail their remedy in terms of the judgment of Hon'ble the Supreme Court in R. L. Jain (D) by LRS. v. DDA and others, (2004) 4 SCC 79. In case, any such application is filed within 3 months, the same shall be considered and decided by the Collector within a period of 6 months thereafter.

The writ petition stands disposed of, accordingly.

As none has appeared for the petitioners, the Registry is directed to send copy of the order to the petitioners.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.7.2017
mk

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

