

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7705 of 2001 (O&M)
Date of decision: 9.2.2017

Rajbir (deceased) through LR and others

.. Petitioners

v.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Bijender Kaushik and Mr. B. S. Saroha, Advocates
for the petitioners.

Mr. Ankur Mittal, Addl. Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioners filed the present petition impugning the notification dated 4.4.1998 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), whereby the land owned by the petitioners was sought to be acquired by invoking emergency provisions under Section 17 of the Act, for construction of Storm Water Drain No. 2 upto Najafgarh Drain. The same was followed by a notification dated 6.4.1998 issued under Section 6 of the Act.

Learned counsel for the petitioners submitted that on the land in dispute, the petitioners had already raised construction of their houses. In fact, the area all around is fully developed, as it is a residential colony. The

respondents have already constructed the drain on the other side of the

road. In fact, the land is not required for the purpose, it was acquired by invoking emergency provisions, hence, the same be de-notified. The amount of compensation, if any, received by the petitioners, shall be refunded to the State along with interest.

Learned counsel for the State, on instructions from Vivek Kalia, Estate Officer, HUDA submitted that considering the stand taken by the petitioners that drain has already been constructed on the other side of the road and if the land is not required for that purpose and further if there is any construction already existing on the acquired land, the matter will be re-examined by the competent authority and a decision shall be taken within a period of 3 months from the date of receipt of copy of the order. In case, it is decided to return the land to the petitioners, action for de-notification thereof shall be taken within one month thereafter. The petitioners shall also be apprised of the amount to be re-paid by them along with interest.

After hearing learned counsel for the parties, the present petition is disposed of in terms of the stand taken by learned counsel for the State with a direction for re-consideration of the matter within the time, as stated by him.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

9.2.2017
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

