

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6979 of 2004 (O&M)
Date of decision: 2.11.2017

**Rewari Govt. Employees Cooperative House Building Society Ltd. And
others**

.. Petitioners

v.

State of Haryana and others

.. Respondents

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

Present: Mr. O. P. Goyal, Senior Advocate with
Mr. Piyush Aggarwal and Ms. Ritika Gupta, Advocates
for petitioners No. 1 to 12 in CWP No. 6979 of 2004.

Mr. Deepak Agnihotri, Advocate for petitioners No. 43 to
88 in CWP No. 6979 of 2004.

Mr. N. D. Achint, Advocate for the petitioner in
CWP No. 10815 of 2005.

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

...

Rajesh Bindal J.

This order will dispose of two petitions bearing CWP Nos.
6979 of 2004 and 10815 of 2005, as the issues involved in both the petitions
is identical.

However, the facts have been extracted from CWP No. 6979 of 2004.

The petitioners herein have filed the present petition impugning the acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 were issued on 27.1.2003 and 23.1.2004, respectively. In the petition, it is claimed that the Society is owner of the land measuring 122 kanals, the plots carved out wherein were allotted to its members.

On 30.1.2017, after hearing learned counsel for the parties, following order was passed:

“Challenge in the present petition is to the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 dated 27.1.2003 and 23.1.2004, respectively. It is stated in the petition that petitioner No. 1 is a Cooperative House Building Society having members, who are Government employees. The land was purchased by petitioner No. 1 and change of land use was also obtained to develop the area as a colony. The stand of the petitioner is that in fact plots had been carved out and construction had also been raised on many plots before the land was notified for acquisition. While issuing notice of motion on 30.4.2004, dispossession was stayed.

Ever since then, the matter is pending.

Learned counsel for the State on instructions from Kulbir Singh Dhaka, Land Acquisition Collector, Gurgaon, submitted that some time be granted to the State to re-examine the issue as to whether the State still wants to continue with the

acquisition or can release the land from acquisition as till date award has not been announced.

Let the needful be done.”

Learned counsel for the State has produced copy of communication addressed to Advocate General, Haryana by Director, Urban Estates Department, Haryana dated 2.11.2017 and stated that decision has been taken by the State to release 14.02 acres of land owned by the Society as the area was found to be thickly built up and was not affecting planning of the sector. Some part of this area was not acquired earlier as objections filed by the plot holders were accepted. For the aforesaid portion of land, no award has been announced by the Land Acquisition Collector (for short, 'the Collector') till date because of the interim stay granted by this Court on 30.4.2004. He further submitted that Letter of Intent is being issued to the Society which shall be followed by a release order. The Society and/or its members will have to fulfil the conditions laid down in Letter of Intent, hence, the prayer made in the present petition has been rendered infructuous.

Learned counsel for the petitioners submitted that as far as non-acquisition of land is concerned, the claim made in the petition is satisfied, however, the petitioners will not be bound by any condition laid down in Letter of Intent proposed to be issued by the State. In case, the petitioners are aggrieved of any of the conditions laid down in Letter of Intent, they may be given liberty to avail of their appropriate remedy against that.

After hearing learned counsel for the parties, the present petitions are disposed of as infructuous, as far as challenge to the acquisition of land is concerned, considering the fact that the State itself has decided not

to acquire the land, no award having been announced by the Collector till date. In case, the petitioners are aggrieved of any condition laid down in the Letter of Intent proposed to be issued, the petitioners may avail of their appropriate remedy against that.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

2.11.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No