

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

CWP No. 16517 of 2007 (O&M)

Date of decision : 30.11.2017

Vijay Kumar and others

.. Petitioners

versus

The State of Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Gurvinder Singh Gill

Present: Mr. Abhilaksh Grover, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Shivendra Swaroop, Asstt. Advocate General, Haryana and
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Mr. Lokesh Sinhal, Advocate, for HSIIDC/respondent No.3.

Rajesh Bindal, J.

The petitioners have approached this Court praying for quashing of acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act'), were issued on 11.7.2006 and 16.7.2007, respectively. Award was announced by the Land Acquisition Collector (for short 'the Collector') on 23.6.2009.

Claim made by the petitioners is that total area owned by the petitioners is about 3,730.83 square yards, out of that the petitioners had raised construction on 1,023 square yards area, which was existing prior to issuance of notification under Section 4 of the Act. The submission is that other areas, where residential houses had been constructed by the landowners prior to issuance of notification under Section 4 of the Act, were released from acquisition along with proportionate open areas, but the petitioners have been discriminated.

On the other hand, learned counsel for the State fairly submitted that prior to issuance of notification under Section 4 of the Act, residential house of the petitioners was existing on the area as claimed by

the petitioners. He further submitted that as per the practise followed, wherever the constructed houses, were released from acquisition proportionate open area is also released. Keeping in view that fact, the State will release 2,000 square yards of land of the petitioners from acquisition. Qua balance land, the acquisition may be upheld. Area will be released in proper shape keeping in view construction raised by the petitioners, so that the balance can be utilized by the authority. Demarcation of the area will be carried out by the concerned official on 18.12.2017 in the presence of the petitioners.

In response, learned counsel for the petitioners, on instruction from Ram Chander, petitioner No.2, submitted that the offer made by learned counsel for the State is acceptable.

After hearing learned counsel for the parties and considering the fair submission made by them, it is directed that an area of 2,000 square yards of land owned by the petitioners be released from acquisition. The area be demarcated in proper shape, so that the petitioners as well as the authority are able to properly utilise the area, coming to their share. Acquisition qua other portion of land is upheld. Demarcation of the area be carried out on 18.12.2017.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

30.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No