

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

CWP No. 12669 of 2008 (O&M)

Date of decision : 30.11.2017

Mohinder Pal Goel

.. Petitioner

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 petitioner.

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

Mr. Lokesh Sinhal, Advocate, for HSIIDC.

Rajesh Bindal, J.

The petitioner has approached this court with a prayer 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. The award was announced by the Land Acquisition Collector on 23.6.2009.

The petitioner claimed that he purchased land measuring 133 square yards vide sale-deed dated 20.2.2004 for a sum of ₹ 67,000. He had raised construction of small workshop where he is carrying on business in the name and style of Goel Engineering. To establish the construction, three photographs have been annexed as Annexure P-1 with the writ petition. It was submitted that objections under Section 5A of the Act could not be filed as the petitioner never came to know about the issuance of notification

under Section 4 of the Act. As there was construction existing on the acquired land and the petitioner was carrying on business to earn his livelihood, the same deserves to be released from the acquisition as the State had been doing in other cases.

On the other hand, learned counsel for the respondents submitted that the present writ petition was filed prior to the announcement of the award. While issuing notice of motion on 23.7.2008, this Court granted interim stay in terms of order passed in CWP No. 18224 of 2007, wherein status quo was granted. The award was announced by the Land Acquisition Collector on 23.6.2009. Though there was status quo granted by this Court, but still the petitioner tried to raise further construction even by encroaching upon the land owned by HSIIDC, for which a complaint was made to the SHO, Police Station, City Karnal, on 27.7.2016. Otherwise also the petitioner is owner to the extent of only 75.62 square yards of land as per the revenue record and not as claimed by him. It was further submitted that there was no business being carried on in the name and style of Goel Engineering, rather there was one small room. The photographs annexed with the writ petition suggest that there was small wood works, whereas presently a *dhaba* was being run there with large scale construction, which clearly establishes that the petitioner does not have any respect for the Court or the orders passed and he violated the same intentionally. The wood works machine, which has been shown in the photographs, cannot possibly be fixed in the room keeping in view the size of the door of the room.

He further submitted that objections under Section 5-A of the Act were not filed by the petitioner, as at that time no construction was existing. What has been shown in the photographs is new construction,

which is freshly painted.

Learned counsel for the petitioner did not dispute the fact that presently a *dhaba* and tea-stall is being run from the place. He further could not dispute the fact that construction as is existing today, is more than what has been depicted in the photographs (Annexure P-1).

Heard learned counsel for the parties and perused the paper book.

In the case in hand, the petitioner has successfully misled this court when notice of motion was issued, however, failed in his attempt at the time of final disposal of the writ petition. He claimed that by raising the construction, the petitioner was carrying on business of wood works in the name and style of 'Goel Engineering'. In support three photographs have been attached with the writ petition as Annexure P-1. In one of the photographs, one room has been shown, size of which is not more than 10'x8'. In the second photograph, one wood works machine has been shown with lot of wooden planks lying there.

The size of the room in which that material is lying, along with the machine cannot possibly be in the size of room, which was shown to have been constructed by the petitioner. Rather there were more than one room wherein the machine has been shown, as is evident from the photographs. Hence, the petitioner tried to mislead the Court by showing that the photograph had been taken from inside the room. In fact, that photograph is of some other place. Further in the third photograph, same machine i.e. wood works machine has been shown to be placed outside the room in open area with same planks out of that room. It had been done by editing the photograph. The same machine with some wooden planks, which

are shown to be inside the room by cutting the portion of that photograph and pasting the same on the other photograph. Machines of the kind are never installed and used in open. Even otherwise also the construction as is evident from the photographs was not old, rather apparently the same was looking new as the same had been recently painted.

Further the conduct of the petitioner is evident from the fact that despite status quo order passed by this Court in the petition filed by him, he raised further construction for which a complaint with the Police Station, City Karnal, was lodged by the HSIIDC on 27.7.2016. The fact that in the photographs annexed by the petitioner with the writ petition, small constructed room with wood workshop has been shown, whereas admittedly now the entire plot was covered and a *dhaba* is being run there.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same deserves to be dismissed. Ordered accordingly.

As the petitioner had tried to mislead this Court, he is burdened with cost of ₹ 25,000/-, which shall be deposited with respondent no. 1 within one month from today. In case of failure, the State shall be entitled to deduct that amount from the amount of compensation to which the petitioner is entitled to on account of acquisition of land.

(Rajesh Bindal)
Judge

30.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No