

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

CWP No.13543 of 2008 (O&M)

Date of decision : 9.11.2017

M/s Maruti Rice Mills

.. Petitioner

versus

The State of Haryana and others

.. Respondents

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

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

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

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

Rajesh Bindal, J.

The petitioner has 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.

The contention raised by learned counsel for the petitioner is that the petitioner had set up a rice mill much prior to the acquisition of land. Once the land was being acquired for the purpose of development of Industrial Estate, the industry already set up by the petitioner should have been accommodated. The petitioner had filed objections under Section 5-A of the Act, which were not properly appreciated. The other area, where construction had been raised, was released from acquisition.

Learned counsel for the respondents submitted that the objections filed by the petitioner under Section 5-A of the Act were duly

considered. As the rice mill was not functional and only dilapidated building existed at the time of acquisition, the same was acquired. The petitioner will be entitled to compensation for any structure existing on the acquired land in addition to the value of the land. Hence, no case is made out for interference by this Court.

After hearing learned counsel for the parties and considering the submissions noticed above where the claim made by the petitioner is that a rice mill was existing on the acquired land at the time of issuance of notification under Section 4 of the Act, which is not established as definite stand of the respondents in the written statement filed is that the rice mill was lying closed at the time of issuance of notification under Section 4 of the Act and only dilapidated building was there, hence, the claim made by the petitioner that the acquisition deserves to be quashed on that ground, is misconceived. The petition is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

9.11.2017
sharmila

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