

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

CWP No. 18224 of 2007 (O&M)

Date of decision: 16.11.2017

Mohar Singh and another

.. Petitioners

VS

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,
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocate Generals, Haryana.

Mr. Lokesh Sinhal, Advocate, for HSIIDC.

Rajesh Bindal, J.

Challenge in the present writ petition has been made to the acquisition 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.

It has been pleaded in the writ petition that the petitioners had purchased 2,000 square yards of land forming part of khasra no. 3995 on which they had constructed industrial unit which was being run in the name and style of M/s Tarlok Singh Mohar Singh. It was registered as a partnership firm in the year 1971. The petitioners are engaged in the business of Steel Rolling for which a furnace has been installed. Presently it is registered in the name and style of M/s T. M. Agro Industries. It was registered as a small scale industry. It is registered under the Haryana General Sales Tax Act, 1973 in the year 1987. Earlier also the land was

sought to be acquired when notification under Section 4 of the Act was issued on 13.3.1981, however, the same was challenged by filing CWP No. 7678 of 1989. The writ petition was allowed and the acquisition was quashed. Once the petitioners are already using the land for running an industry, it would not be appropriate to uproot them and allot industrial plot to some one else.

The plea of discrimination has also been raised stating that large chunk of land where construction existed was released and even the open areas were either left from the acquisition or released later on.

Learned counsel for the State fairly did not dispute the fact that small scale unit was existing prior to the issuance of notification under Section 4 of the Act. The award was announced by the Land Acquisition Collector on 23.6.2009, however, the compensation has not been received by the petitioners.

After hearing learned counsel for the parties, we find merit in the present writ petition. Admittedly, on the plot owned by the petitioners, which was sought to be acquired, there was construction existing prior to the issuance of notification under Section 4 of the Act. The same was being used by the petitioners for industrial purpose. They are running small scale industry in the name and style of M/s T. M. Agro Industries. It is not in dispute that in number of cases where construction existed prior to the issuance of notification under Section 4 of the Act, the State had released the land from acquisition. In some cases of its own, whereas in some cases after the aggrieved party approached this Court and the matters were remitted back for re-consideration. The petitioners have not been paid the compensation for the acquired land.

For the reasons mentioned above, the acquisition of land measuring 2,000 square yards owned by the petitioners is quashed.

The writ petition stands disposed of.

(Rajesh Bindal)
Judge

16.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No