

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

CWP No. 18590 of 2007 (O&M)

Date of decision: 16.11.2017

Rakesh Dhand

.. Petitioner

VS

State of Haryana and others

.. Respondents

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

Present: None for the petitioner.

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 petitioner had purchased 343 square yards of land forming part of khasra no. 3995 on which he had raised the construction and running a unit for manufacture and sale of pulverized industrial minerals since 1986 under the name and style of M/s Rockland Chemical Company. The plea of discrimination has 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 did not dispute the fact that the construction was existing on the land owned by the petitioner at the time of issuance of notification under Section 4 of the Act. Industrial unit was functional. The compensation for the acquired land has not been received by the petitioner. The award was announced by the Land Acquisition Collector on 23.6.2009.

After hearing learned counsel for the parties, we find merit in the present writ petition. Admittedly, on the plot owned by the petitioner, 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 petitioner for industrial purpose. He is running small scale industry in the name and style of M/s Rockland Chemical Company since 1986. 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 petitioner has not been paid the compensation for the acquired land.

For the reasons mentioned above, the acquisition of land measuring 343 square yards owned by the petitioner 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