

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20230 of 2006 (O&M)
Date of decision: 27.7.2017

Kaka Singh

.. Petitioner

v.

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 with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

..

Rajesh Bindal J.

The petitioner has approached this court with a grievance that part of the land owned by him was sought to be utilised by the State without any authority of law for the purpose of construction of B.M.L.- Hansi Branch, Butana Branch multi-purpose Link Channel.

It is admitted in the petition that some part of the land of the petitioner was acquired for that purpose, however, the grievance has been made in para No. 12 that killa Nos. 22, 23 and 24/1 in Rect. No. 15, though have not been acquired, but still being utilised.

The stand taken by the respondents is that initially some part of the land of the petitioner was notified for acquisition under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') on 18.8.2005. It was followed by notification under Section 6 of the Act, published on 13.9.2005. Award was also announced by the Land Acquisition Collector (for short, 'the Collector') on 20.1.2006. However, finding that there was some error in demarcation, supplementary award was passed by the Collector on 21.7.2006 including that portion of land, on which channel was to be constructed, initially for which award had not been announced. The land, which was not required, was de-notified on 8.6.2007 under Section 48 of the Act. It has been specifically stated in the affidavit dated 3.8.2007 that the total acquired land of the petitioner is 28 kanals and 9 marlas, for which he has been paid compensation. Regarding conduct of the petitioner, it has been pointed out that he initially filed a civil suit, in which on 20.6.2006 statement was given by Sub Divisional Officer that digging of the area will be done as per law. Local Commissioner was appointed to demarcate the land. Office Kanungo submitted the report in court that there was no encroachment on the land of the petitioner, as alleged in the civil suit. The petitioner got the civil suit dismissed as withdrawn on 18.9.2006. Immediately on the next day, fresh civil suit was filed in which again interim stay was declined on 26.9.2006. As the petitioner obstructed in the work of the department, FIR was registered against him and he was even arrested.

After hearing learned counsel for the State and considering the definite stand taken that the error in mentioning the killa numbers in the award was corrected and finally the petitioner has been paid the

compensation for 28 kanals and 9 marlas of land, the possession of which has been taken by the State, *prima facie*, we do not find any merit in the present petition. However, as none has appeared for the petitioner, the writ petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

27.7.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No