IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18041of 2008 (O&M)
Date of decision : 8.11.2017

Rajiv Kumar

.. 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. V.K. Jindal, Senior Advocate with
Mr. Gopal Soni, 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.

It is claimed in the present petition that the petitioner is inter-alia owner in possession of land comprised in khasra No.3059 (8 bigha 12 biswa) and khasra No.3061 (3 bigha 7 biswa). While challenging the acquisition, learned counsel for the petitioner raised plea of discrimination claiming that large chunk of land, where no construction existed, was released from acquisition even after award was announced by the Collector. The petitioner is not objecting to the acquisition of land forming part of khasra No.3061, which is coming in road, whereas the land forming part of khasra No.3059 located beyond the road has not even been planned by the

Sharmila Devi
2017.11.14 10:33
I attest to the accuracy and
integrity of this document

authorities for development. Hence, acquisition qua that portion of land deserves to be quashed. On the part of khasra No.3059, the petitioner had raised certain construction such as cattle shed.

Learned counsel for the respondents submitted that as per the Jamabandi attached by the petitioner (Annexure P-1), the land forming part of khasra No.3059 is in the ownership of Shamlat Pana Rodan. In the column of cultivation, the petitioner and Shubham son of Sanjiv have been shown to be as Gair Marusian in equal shares. The petitioner has not been shown to be in possession of that portion of land as share holder in Shamlat Pana Rodan, hence, he cannot be said to be owner of the aforesaid khasra number. As far as khasra No.3061 is concerned, it is shown in ownership of Phulo Devi. The name of the petitioner does not figure therein. Once, the petitioner is not owner of either of two khasra numbers, he has no locus to challenge the acquisition.

In response, learned counsel for the petitioner submitted that if the petitioner is found to be in possession of the land forming part of khasra No.3061 in any capacity, he may be entitled to receive compensation therefor.

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

In the present petition challenge has been made to the acquisition of land forming part of khasra Nos.3059 and 3061. As far as khasra No.3061 is concerned, even as per the Jamabandi (Anneuxre P-1)attached by the petitioner, he is not recorded owner thereof nor he is in possession. Hence, challenge to acquisition of that khasra number by the petitioner cannot be entertained.

Sharmila Devi
2017.11.14 10:33
I attest to the accuracy and
integrity of this document

As far as khasra No.3059 is concerned, as per the Jamabandi (Annexure P-1) attached by the petitioner, the land is shown to be in the ownership of Shamlat Pana Rodan. Though the petitioner is claiming that he is in possession of part thereof as proprietor, however, in column of cultivation it is mentioned that Rajiv son of Sham Singh (petitioner) and Shubham son of Sanjiv are in possession as Gair Marusian in equal shares. Jamabandi is not reflecting that the petitioner is in possession of the land as proprietor, hence, even qua that land the petition filed by the petitioner cannot be entertained.

For the reasons mentioned above, the present petition is dismissed. However, the petitioner shall be at liberty to claim compensation or share in khasra No.3059 in case he is able to establish any right, in accordance with law.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

8.11.2017
sharmila

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

Sharmila Devi
2017.11.14 10:33
I attest to the accuracy and
integrity of this document