

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

CWP No. 20150 of 2008 (O&M)

Date of decision : 30.11.2017

Mohinder Kumar

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Dinesh Kumar Singla, Advocate for
 Mr. Manish Kumar Singla, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Shivendra Swaroop, Asstt. Advocate General, Haryana and
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.

Claim made by the petitioner is that he is the owner 373 square yards of plot, on which shop had been constructed prior to issuance of notification under Section 4 of the Act. The submission is that other areas, where construction had been constructed by the other landowners prior to issuance of notification under Section 4 of the Act, were released from acquisition, but the petitioner has been discriminated.

On the other hand, learned counsel for the State submitted that

the petitioner owns 352 square yards of land and not 373 square yards as claimed by him. On small portion of the land, dilapidated construction was existing, which is not under use. The State only release 'A' class residential houses, which were under occupation.

After hearing learned counsel for the parties and considering the submission noticed above, the present petition deserves to be dismissed on the ground that on the small portion of the plot dilapidated construction was existing, which was not under use. There was no shop existing as claimed. Further the State had been releasing areas only where 'A' class residential houses were existing.

Considering the aforesaid facts, there is no merit in the present petition. Accordingly the present petition is dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

30.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No