

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

CWP No. 16857 of 2010 (O&M)

Date of decision: 2.3.2017

The Sirsa Adarsh Cooperative
House Building Society Limited and another

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. D. D. Gupta, Advocate for
Mr. R. D. Gupta, Advocate,
Mr. Rajesh Sethi and Ms. Pridhi Jaswinder Sandhu,
Mr. Ajay Gupta, Mr. Manish Soni,
Mr. Sanjiv Gupta and Mr. Kamal Chaudhary, Advocates,
for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of CWP Nos. 16857 of 2010, 19261 of 2011, 11551 of 2012, 4821, 5636 of 2014, 1411, 1419, 1684, 1809, 3770, 12748, 12816 of 2015, as common questions of law and facts are involved therein.

However, the facts have been extracted from CWP No. 16857 of 2010.

The petitioners herein are challenging acquisition of land. Notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 15.1.2008 notifying 350.53 acres of land proposed to be acquired. It was followed by notification dated 14.1.2009 issued

under Section 6 of the Act notifying 337.47 acres of land. The Land Acquisition Collector (for short, 'the Collector'), announced the award on 12.1.2011 pertaining to 305.516 acres of land. CWP No. 16857 of 2010 was filed even before the Collector had announced the award, whereas other petitions were filed after the award was announced. CWP No. 16857 of 2010 was dismissed by this Court vide order dated 9.5.2011. The petitioners challenged the order passed by this Court before Hon'ble the Supreme Court. The same was set aside and the matter was remitted back by Hon'ble the Supreme Court vide order dated 9.12.2014. Other writ petitions were filed subsequent thereto.

It was pointed out at the time of hearing that in CWP No. 22010 of 2011 - Lakhan Lal and others vs State of Haryana and others, decided on 21.9.2012, (Annexure P-17), this Court had quashed the acquisition of land arising out of same notification. Subsequent thereto in the writ petitions filed by the landowners bearing CWP No. 8694 of 2013 - Lalit Kumar vs State of Haryana and others, CWP No. 8806 of 2013 - Inderjit vs State of Haryana and others, both decided on 16.7.2013, and CWP No. 12 of 2013 - Sarla Devi vs State of Haryana and others, decided on 19.7.2013, the matters were referred back to the competent authority for reconsideration. As a result thereof, about 7 acres of land was released from acquisition. This included land of some of the landowners, who had not even approached to this Court. Their representations filed otherwise were considered.

In the bunch of petitions, the matter had not been considered by the competent authority in view of the changed position. Some part of the acquired land was released by the competent authority before even

passing of the award, some quashed by this Court and some was released by the Government after the award of the Collector.

Learned counsel for the State, on instructions from the Director General, Urban Estates, Haryana, submitted that the competent authority is ready to reconsider the cases of the petitioners. For that they may file their detailed representations to the Director General, Urban Estates, Haryana. The same shall be considered and decided within a period of three months from the date of receipt thereof. Till such time the representations filed by the petitioners are decided by the competent authority, status quo granted by this Court shall continue.

Learned counsel for the petitioners submitted that they will file comprehensive representations to the Director, Urban Estates, Haryana, within two weeks. After filing thereof, the same shall be considered and decided by the competent authority within a period of three months from the date of receipt thereof after affording opportunity of hearing to the petitioners. Till such time the representations are decided, the status quo granted by this Court shall continue.

Ordered accordingly.

(Rajesh Bindal)
Judge

2.3.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No