

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

CWP No.13417 of 2014 (O&M)

Date of Decision:- 12.09.2017

Satish Malik

... Petitioner

Versus

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. Anupam Gupta, Senior Advocate with
Mr. Karan Bhardwaj and Mr. Ashok Kumar, Advocates,
for the applicants in CM No.1795 of 2017.

Mr. Ankur Mittal, Addl. A.G. Haryana.

Rajesh Bindal, J.

Present petition has been filed seeking to challenge acquisition of land. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act') were issued on 11.09.2001 and 07.03.2002, respectively. The writ petition was filed in July 2014. The award has been announced by Land Acquisition Collector on 26.02.2004.

Showing his locus to challenge the acquisition the petitioner pleaded in para No.7 of the petition that on 16.02.1995, the Custodian General ruled that the land in question was owned by his father Asanand Malik through rehabilitation but finally in the order the property was held to be evacuee property. Challenge to the aforesaid order is pending consideration in this Court. He referred to CWP No.3907 of 1995 filed by Sansar Pal and CWP No.12808 of 1995 filed by the Punjab Wakf Board. Sansar Pal was held to be a trespasser in the writ petition filed by him.

CWP No.3907 of 1995 was dismissed as not pressed on December 10, 2014

as the land in question has been acquired. In CWP No.12808 of 1995 filed by the Punjab Wakf Board against the order dated 16.02.1995 passed by the Custodian General holding the property to be evacuee property is pending consideration in this Court. The petitioner has not challenged the order dated 16.02.1995 passed by the Custodian General rejecting his claim of ownership of property in dispute.

As the petitioner is not the owner of the property in dispute, he has no locus to challenge the acquisition thereof. *Prima facie*, we do not find any merit in the present petition. However, as none has appeared for the petitioner, the petition is dismissed for non prosecution.

(Rajesh Bindal)
Judge

September 12, 2017
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No