

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

CWP No. 18752 of 2013 (O&M)
Date of decision: 16.8.2017

Vinod Singh

.. Petitioner

vs

The State of Haryana and others

.. Respondents

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

Present: Mr. Sandeep Sharma, Advocate, for the petitioner (s).
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of two writ petitions bearing CWP Nos. 18752 and 18765 of 2013, as common questions of law and facts are involved therein.

The land of the petitioners having been acquired vide notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act'), dated 11.1.2013 and 17.7.2013, respectively, for construction of sector roads of Sectors 103 and 106, Gurgaon, the present writ petitions have been filed seeking quashing of the acquisition thereof. Further prayer has been made for directing the respondents to allot alternative site to the petitioners before dispossessing them from the land in dispute, where they claimed to have constructed residential houses before the acquisition.

At the time of hearing, learned counsel for the petitioners submitted that the petitioners are not challenging the acquisition of land, rather restricting their claim for allotment of plots under the Rehabilitation Policy.

The stand taken by learned counsel for the State is that at the time of issuance of notification under Section 4 of the Act, only a cattle shed was existing at the site. Even in the objections filed by the petitioners under Section 5-A of the Act also, similar plea was raised. Hence, in terms of the Rehabilitation Policy of the Government, the petitioners are not entitled to allotment of any alternative plot.

It was further submitted by learned counsel for the State that the total land, in which the petitioners are co-sharers, was measuring 1 kanal 12 marlas, out of which 1 kanal was acquired. Out of the 6 co-sharers, only two have challenged the acquisition. The total amount of compensation for the acquired land was determined by the Collector as ₹ 38,33,057/-, including the value of the superstructure, out of which four co-sharers have already received the compensation amounting to ₹ 20,40,068/-.

In view of the stand taken by learned counsel for the State, learned counsel for the petitioners submitted that he may be permitted to withdraw the present writ petitions with liberty to assail the action taken by the State rejecting their claim for allotment of alternative plots under the Rehabilitation Policy.

Ordered accordingly.

(Rajesh Bindal)
Judge

16.8.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No