

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

CWP No. 474 of 2010 (O&M)

Date of decision: 16.11.2017

Santosh Kumari and others .. Petitioners
vs
State of Haryana and others .. Respondents

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

Present: Mr. Prateek Gupta, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Manoj Dhankhar and Shivendra Swaroop, Assistant
Advocate Generals, Haryana.

Rajesh Bindal, J.

As the counsel, who filed the writ petition was elevated to the Bench, notice was directed to be issued to the petitioners for 26.10.2017. As per office report, service is complete.

Challenge in the present writ petition has been made to the acquisition where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act') were issued on 24.12.2007 and 23.12.2008, respectively. One of the grounds raised is that that while issuing notification under Section 4 of the Act, the purpose for the acquisition mentioned was for development as Sector-18, Rohtak, whereas in the notification issued under Section 6 of the Act, the purpose mentioned was development as Sectors 18 and 18-A, Rohtak. It has further been claimed that the petitioners had developed a Scientific Biological Centre at the place, which will be adversely affected in case the land is acquired.

On the other hand, learned counsel for the respondents submitted that initially notification under Section 4 of the Act was issued on 24.12.2007. The purpose was mentioned for development as Sector-18, Rohtak, however, finding that large chunk of land was acquired, corrigendum was issued on 23.12.2008 stating that land under Section 4 of the Act is required for development as Sectors 18 and 18-A, Rohtak. Subsequently notification under Section 6 of the Act was issued on 23.12.2008 acquiring the land. The award was announced by the Land Acquisition Collector on 23.6.2010. The land has been acquired for planned development by HUDA. It falls on the dividing road of Sectors 18 and 18-A, which could not be constructed as there was interim stay.

Even otherwise, if Sector 18 only had been mentioned at the time when notification under Section 4 of the Act was issued, it will not prejudice the petitioners if later on it is renumbered as Sectors 18 and 18-A, Rohtak, keeping in view the planned development of the area. It was further submitted that the land in question was lying vacant when notification under Section 4 of the Act was issued. It was being put to use for some agriculture purpose.

After hearing learned counsel for the parties, we do not find any merit in the present writ petition. The only ground raised is that initially when notification under Section 4 of the Act was issued, the purpose mentioned was for development as Sector-18, Rohtak. Realising that the big chunk of land was sought to be acquired, may be more if considered with reference to one sector only, corrigendum was issued on 23.12.2008 defining that the area is sought to be acquired for development as Sectors 18 and 18-A, Rohtak. It was thereafter that notification under Section 6 of the

Act was issued on the same date. Hence, the plea that purpose mentioned in the notification under Section 4 of the Act was different than what was mentioned in Section 6 of the Act is not made out.

Still further even if only sector 18 had been mentioned in notification under Section 4 of the Act, the same will not be fatal to the acquisition, if finally the land is for development as Sectors 18 and 18-A, Rohtak, considering the fact that the sector numbers are given keeping in view the area to be developed. The land at the time of issuance of notification under Section 4 of the Act was being put to agriculture use, there was no construction existing thereon.

For the reasons mentioned above, the writ petition is dismissed.

(Rajesh Bindal)
Judge

16.11.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No