

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

CWP No. 1543 of 2016 (O&M)

Date of decision : 9.11.2017

Pawan Kumar and others

.. Petitioners

versus

The State of Haryana and others

.. Respondents

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

Present: Mr. Vikram Singh, Advocate and
 Mr. Hardeep Singh Dhillon, Advocate, for the petitioners.

 Mr. Ankur Mittal, Additional Advocate General, Haryana with
 Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

 Mr. Lokesh Sinhal, Advocate, for HSIIDC/respondent No.3.

Rajesh Bindal, J.

The petitioners have 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.

It is claimed by the petitioners that they are in possession of land measuring 3 bigha 2 biswa comprising in khasra No.3036 and 3034. It was admitted by learned counsel for the petitioners that there was old abandoned construction existed on the acquired land. No compensation for the acquired land has been paid to them. Plea of discrimination was also raised claiming that land owned by other similarly situated persons was released.

Definite stand of learned counsel for the respondents is that possession of the acquired land was taken by HSIIDC vide Kabza Karwahi dated 21.5.2010. There was abandoned construction, meant for cattle use

existing on the land, when it was acquired. No objections under Section 5-A of the Act were filed by the petitioners. It was further submitted that the present petition deserves to be dismissed being highly belated. Award in the present case was announced on 23.6.2009 and the present petition was filed after more than six years. Still further it was submitted that if the acquired land is released from acquisition, it will affect the road planned by the authorities.

After hearing learned counsel for the parties and considering the submission noticed above, the present petition deserves to be dismissed on more than one ground, namely, delay in filing the present petition which is more than six years after the award for the present acquisition was announced by the Collector; possession of the land was taken by the HSIIDC after the award was announced vide Kabza Karwahi dated 21.5.2010 and further the petitioners never filed objections under Section 5-A of the Act. Admittedly, there was old construction meant for cattle use existing on the acquired land at the time of acquisition of land. Further if the acquired land is released from acquisition, it will affect the road planned by the authorities.

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

9.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No