

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

CWP No.1741 of 2014 (O&M)

Date of decision: 27.4.2017

Prabhu Dayal

.. Petitioner

vs

The State of Haryana and others

.. Respondents

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

Present: None for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The present petition has been filed for direction to the official respondents not to interfere in peaceful possession of the petitioner of the house forming part of khasra No.1383.

The stand taken in the petition is that a large chunk of land was sought to be acquired vide notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') issued on 28.3.1985. The petitioner filed objection under Section 5-A of the Act stating that he had constructed a Pacca house with 'A' class construction. He filed CWP No. 842 of 1986. In reply to the aforesaid petition, it was admitted by the respondents therein that the petitioner's house with 'A' class construction was existing prior to the issuance of notification under Section 4 of the Act. It was stated therein that the house constructed in khasra No.1383 has been left out of the acquisition and only vacant land has been notified. Prayer to

that extent made in the writ petition has been rendered infructuous. The writ petition was disposed of finally on 10.10.1991 with a direction to release the vacant land proportionate to constructed area. Despite this fact the petitioner has filed the present petition with a grievance that the respondents are still harassing him on the plea that the area in question had been acquired.

Filing of earlier CWP No.842 of 1986 and the relief granted to the petitioner therein has not been disputed in the written statement filed on behalf of respondent No.3.

Once house constructed by the petitioner had been released from acquisition along with proportionate vacant land, the respondents have no business to disturb the petitioner of his possession on the property in question to the extent the house and the open area.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

27.4.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No