

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

CWP No.20093 of 2015 (O&M)

Date of decision : 9.11.2017

Nasibu Deen

.. Petitioner

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 petitioner.

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 petitioner has 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.

The petitioner claimed that he had purchased 100 square yard plot vide sale deed dated 3.5.2006 prior to the date of notification under Section 4 of the Act. It was claimed that the petitioner has raised construction on the part of the plot and carrying on his business to earn his livelihood. Other plots, where construction was there or even were vacant, were released from acquisition.

Learned counsel for the respondents submitted that the fact that the petitioner purchased the plot vide sale deed dated 3.5.2006 and notification under Section 4 of the Act was issued on 11.7.2006 shows that

construction cannot be raised within such a short span of time. The petitioner had raised construction after issuance of notification under Section 4 of the Act. No objections under Section 5-A of the Act were filed by the petitioner. As regards compensation for the acquired land is concerned, there being dispute of apportionment/ownership, the same was deposited with the Court on 3.1.2011. Further submitted that there is a delay of more than six years in filing the present petition. Hence, the petitioner does not have any locus to challenge the present acquisition.

After hearing learned counsel for the parties, we do not find any merit in the present petition.

Admittedly the present petition has been filed more than six years after the award was announced by the Collector on 23.6.2009. The petitioner did not file objections under Section 5-A of the Act. Further even compensation for the acquired land was deposited by the Collector with the Court on 3.1.2011. The plot was lying vacant at the time of issuance of notification under Section 4 of the Act.

For the reasons mentioned above, 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