

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4952 of 2012 (O&M)
Date of decision: 20.1.2017

M/s Umang Leasing and Credit Company Ltd. and others
.. Petitioners

v.

State of Haryana and others
.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. O. P. Goyal, Senior Advocate with
Ms. Shallie Mahajan, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Dheeraj Chawla, Advocate for respondent No. 2.

...

Rajesh Bindal J.

Though initially the writ petition was filed seeking quashing of the notification dated 5.2.2010 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), however, at present, the reliefs which survive, as stated by learned senior counsel for the petitioners are:

- (i) possession of the land bearing Khasra No. 151, Rect. No. 5/2, measuring 1 kanal and 4 marlas, which was wrongly included in the notification under Section 6 of the Act;
- (ii) possession of 787 square meters of land, which

according to the petitioners, has not been acquired but still in possession of the respondents; and

- (iii) access from the Pataudi-Gurgaon road to the warehouses of the petitioners.

Heard learned counsel for the parties and perused the paper book.

As far as first issue is concerned, as per stand of respondents No. 1 to 3, the land bearing Khasra No. 151, Rect. No. 5/2 was wrongly included in the notification under Section 6 of the Act and consequently in award announced by the Collector. It is stated that this portion of land measuring 1 kanal and 4 marlas is in possession of the petitioners. As the intention of the State from the beginning was not to acquire the land, necessary steps shall be taken to correct the error.

As far as possession of the land measuring 787 square meters is concerned, the stand taken by learned counsel appearing for Haryana State Industrial and Infrastructure Development Corporation is that possession of this portion of land is not with the Corporation. The petitioners are at liberty to use that land.

As far as third issue raised by learned senior counsel for the petitioners is concerned, a perusal of the site plan (Annexure P-26) shows that godowns of the petitioners are not located exactly on Pataudi-Gurgaon road. In fact, these are located on a passage emanating from Pataudi-Gurgaon road. The aforesaid passage, according to learned counsel for the State, was acquired to be developed and maintained as green belt on Kundli-Manesar-Palwal expressway. But the fact is not disputed that at present portion of that land is being used as a passage which is leading to

some villages located ahead of that.

In view of this factual position, it is clarified that the petitioners shall also be entitled to use that passage. However, in case the respondents decided to develop the land as green belt or use the same for any other purpose, having already acquired, and the petitioners are not left with any passage at that stage, they will be at liberty to avail of their appropriate remedy in accordance with law.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

20.1.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No