

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

CWP No. 2235 of 2016 (O&M)

Date of decision : 8.11.2017

Meena

.. 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.

It is claimed by the petitioner that she had purchased a plot measuring 167 square yard in equal share with Saroj Bala wife of Satish Kumar, which is forming part of khasra No.3237. Construction was raised thereon. 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 only 75 square yard of land was acquired, possession of which was taken vide Dakhal Karwahi dated 28.8.2009. There was no construction existing on the land, when it was acquired. No objections under Section 5-A of the

Act were filed. It was further submitted that there being dispute regarding claim for compensation, it was deposited with the Court on 1.3.2012. 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.

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 acquisition in question was announced by the Collector; possession of the land was taken by the State after the award was announced vide Dakhal Karwahi dated 28.8.2009 and further there being dispute regarding claim for compensation, the same was deposited by the State with the Court on 1.3.2012. Further the petitioner never filed objections under Section 5-A of the Act claiming any construction existing on the acquired land. The land, as per the stand of the respondents was lying vacant at the time of acquisition and even now.

Considering the aforesaid facts, there is no merit in the present petition. Accordingly the present petition is dismissed. However, it is made clear that if the petitioner has any claim for allotment of plot under the oustee's quota policy, she may claim the same.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

8.11.2017
sharmila

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