

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.11796-CWP of 2017 in/and
CWP No.26918 of 2013

Date of Decision:-August 25, 2017

Ankit Aggarwal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present : Mr. Puneet Bali, Senior Advocate with
Mr. Raghav Kapur, Advocate, for the petitioners.

Mr. Ankur Mittal, Addl.A.G. Haryana.

Mr. Matinder Singh, Advocate for
Mr. Akashdeep Singh, Advocate for respondent No.4.

Mr. Lokesh Sinhal, Advocate for respondent No.2-HUDA.

Rajesh Bindal J:

CM No.11796-CWP of 2017

Application is allowed and Annexure P-9 is taken on record.

CWP No.26918 of 2013

Status report by way of affidavit of Mukesh Kumar Ahuja,
Director, Urban Estates Department, Haryana dated 16.8.2017 filed in Court
today, is taken on record.

Challenge in the present petition is to the acquisition of land
where notifications under Sections 4 and 6 of the Land Acquisition Act,
1894 (for short "the Act") were issued on 11.1.2013 and 15.7.2013,
respectively. The acquisition is for construction of Sector dividing roads of
Sectors 103 and 106 at Gurugram. It is not in dispute that the land owned by

petitioners No.1, 3 and 4 is located at different-different places in small-small pockets and there was no construction existing thereon, as it was lying vacant at the time when notification under Section 4 of the Act was issued.

Considering the aforesaid facts and also that the land is sought to be acquired for construction of road namely for providing infrastructure for the residents of the area, we do not find any reason to interfere in the present petition.

As far as petitioner No.2 is concerned, she has raised construction on part of the plot owned by her out of which only 66 sq. yds. has been acquired, as that portion comes within the road alignment, there is no valid ground made out for quashing the acquisition of that part of land. However, considering the fact that she had raised construction on the land owned by her, in our opinion, some reasonable time deserves to be granted to her to hand over vacant physical possession of the acquired land.

Let the needful be done within four months from today. Thereafter the authority shall be at liberty to take possession of the acquired portion of land.

As regards the claim of the petitioners regarding allotment of alternate sites under the rehabilitation/oustees quota policy is concerned, the same has already been rejected. The petitioners, if so advised, may avail of their appropriate remedies available to them.

Disposed of.

(Rajesh Bindal)
Judge

August 25, 2017

pankaj

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Gurvinder Singh Gill)
Judge