

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

CWP No. 23340 of 2016 (O&M)

Date of decision : 14.11.2017

Daultabad Welfare Society

.. Petitioner

versus

State of Haryana and others

.. Respondents

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

Present: Mr. Sanjay Vashisth, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner has approached this Court challenging acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 were issued on 11.9.2001 and 7.3.2002, respectively. Award was announced by the Land Acquisition Collector on 26.2.2004.

To challenge the acquisition, provisions of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 have been invoked. Further quashing of allotment letter dated 13.5.2016, vide which the land in question has been allotted to the Haryana Employees' Welfare Organization for group housing scheme has also been challenged.

On 26.10.2017, following order was passed:-

“The petitioner is claiming ownership of the land on the plea that the land in question is shamlat-deh and members of the petitioner- Society have share in that, list of which is annexed at Annexure P-2. Notifications under Sections 4 and 6

of the Land Acquisition Act, 1894 (for short “the Act”) were issued on 11.9.2001 and 7.3.2002, respectively. Award was announced by the Collector on 26.2.2004. Though, it is stated that compensation of the acquired land has been paid to the land-owners but there is nothing on record to suggest that the members of the petitioner society had ever raised any dispute under Section 30 of the Act or had ever sought enhancement of compensation by filing objections under Section 18 of the Act. There is nothing on record to suggest that any of the members of the petitioner-society is owning any portion of the land to claim share in the alleged shamlat-deh land.

Learned counsel for the State has submitted that the acquired land in the case in hand is surrounded by a boundary wall and is in possession of the State. Ownership of the State has been recorded in the revenue records. *Gair Moursi*, tenant on the land had been paid compensation for the trees standing on the acquired land on 8.11.2004. The petitioner has no concern with the land whatsoever.

He further submitted that some residents of the village including President of the Society, who is the petitioner in this Court sought to take illegal possession of the acquired land on 26.9.2016 for which FIR No.376 dated 26.9.2016 was registered at Police Station, Old Faridabad. Again effort was made by them to take possession of the land. Two police officials suffered injuries. FIR No.452 dated 26.11.2016 was registered at Police Station Old Faridabad.

Learned counsel for the petitioner seeks time to have instructions.

Adjourned to 14.11.2017.”

Despite adjournment, the petitioner has not been able to produce any material on record showing its interest in the property in dispute. Only contention raised is that the petitioner is poor person.

Hence, the petitioner has not been able to make out its locus to file the present petition claiming the relief prayed for. We do not find any reason to interfere in the present petition, the same is accordingly dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

14.11.2017
sharmila

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