

CWP No.23680 of 2016 (O&M)

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

CWP No.23680 of 2016 (O&M)

Date of decision: 19.05.2017

Moti Ram and another

....Petitioners

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Vivek Suri, Advocate,
for the petitioners.

Ms. Palika Monga, DAG, Haryana.

RAJESH BINDAL, J.

The petitioners have approached this Court seeking a direction to the respondents to release the land acquired by the State, which was owned by the petitioners. It is not in dispute that after the acquisition proceedings were completed, the possession of land was taken by the State and the petitioners have received the amount of compensation. The land was acquired for construction of road from Kalanaur bye-pass, District Rohtak.

The submission of learned counsel for the petitioners is that after construction of bye-pass, some portion of the acquired land is lying vacant and is of no use to the State, hence, the same may be released to the petitioners. They have other land adjoining to that land and the entire chunk

CWP No.23680 of 2016 (O&M)

can be used by them for agricultural purposes. The petitioners are ready and willing to return the amount of compensation already received and even undertake not to raise objection in case the land is acquired by the State in future.

On the other hand, learned counsel for the State submitted that the acquisition in question was made for the purpose of construction of road from Kalanaur bye-pass, District Rohtak. The bye-pass has been constructed. The land owned by the petitioners falls at 'T' point. It is emanating from main Bhiwani-Rohtak road and the road is known as Kalanaur to Bhiwani & Dadri Bye-pass Turn. The land acquired is always more than what is required for immediate use. At every crossing visibility of traffic has to be ensured. In case the land which falls just at the crossing is released, this may hamper future expansion plans. Acquisition of land is a long process. The petitioners otherwise also own land on the both sides of the road but release is sought only on the one side and not on the other side.

After hearing learned counsel for the parties, we do not find any merit in the present petition. Land has been acquired for the purpose of construction of road from Kalanaur bye-pass. It is at intersection on main Bhiwani to Rohtak road. Some part of the acquired land which belongs not only to the petitioners but to some other landowners also, has been utilised, whereas, some has been kept for future expansion to ensure that at the time of widening of the road at the crossing, steps could be taken immediately as the process for acquisition may take time. We find merit in the arguments raised by learned counsel for the State. Merely because land has not been

CWP No.23680 of 2016 (O&M)

construction of road, it cannot be released, that too, after the compensation has already been paid to the landowners.

The writ petition is dismissed.

(Rajesh Bindal)
Judge

May 19, 2017
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No