

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25342 of 2014 (O&M)

Date of Decision:-11.12.2017.

Vijay Kumar

... Petitioner

Versus

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 for the petitioner.

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

Rajesh Bindal, J.

The petitioner has filed the present petition impugning the order dated 26.6.2014 passed by Secretary-cum-Director General, Urban Estates Department, Haryana, whereby the representation filed by the petitioner seeking release of 14 marlas of land, part of khasra No.22/1, has been rejected. The notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act') were issued on 23.2.2007 and 20.3.2008, respectively.

Learned counsel for the petitioner submitted that out of the total land owned by the petitioner measuring 2 kanals and 14 marlas, only 2 kanals were released initially, however, construction was existing even on 14 marlas of land. The same was not released from acquisition. The land is of no use to the State, as the land on the back is owned by a builder and on the sides is green belt.

Learned counsel for the State submitted that the land owned by the petitioner is part of the green belt and the land adjoining thereto has

already been acquired for maintaining the same as green belt. The petitioner had raised construction only in the area measuring 27' X 23', as is noticed in the report submitted by the Collector. After hearing objections under Section 5-A of the Act, 2 kanals of land was ordered to be released. On 14 marlas of land, the acquisition of which is under challenge in the present petition, there was no construction existing at the time of issuance of notification under Section 4 of the Act, hence, release thereof cannot be sought at this stage. It was further submitted that award for the 14 marlas of land was announced by the Collector on 19.2.2010. Earlier CWP No.21221 of 2013 filed by the petitioner challenging the acquisition was also highly belated. Representation was decided in view of direction given in that writ petition.

After hearing learned counsel for the parties, we do not find any merits in the writ petition. Admittedly, out of total land owned by the petitioner 2 kanals was released, on which construction was existing. Only 14 marlas of land was acquired, which was lying vacant. The same is required for maintaining green belt. The petitioner argument that there is no land adjoining thereto belonging to the State is also misconceived as it is adjoining to the land acquired for green belt.

For the reasons mentioned above, the writ petition is dismissed.

(Rajesh Bindal)
Judge

11.12.2017.

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge