Varinder Singh
2017.10.03 12:09
I attest to the accuracy and integrity of this document
Punjab & Haryana High Court at Chandigarh

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 23846 of 2016 (O&M)

Date of decision: 25.9.2017

Partap Singh .. Petitioner

vs

State of Haryana and others .. Respondents

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

Present: Mr. Hardeep Singh Dhillon, Advocate for
Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner has filed the present writ petition impugning the acquisition of land where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act'), were issued on 23.8.2007 and 21.8.2008, respectively. The prayer has been made for release of 10 marlas of land owned by the petitioner on which he has allegedly constructed a godown. Plea of discrimination has been raised.

Learned counsel for the respondents submitted that the present petition deserves to be dismissed on account of concealment of material facts and also on account of mis-statement of facts. The land of the petitioner was not acquired vide notification dated 23.8.2007 bearing no. LAC(H)-2007/NTLA/382 (Annexure P-1), where the acquisition was for development as residential and commercial Sector-9, Safidon. The land

Varinder Singh
2017.10.03 12:09
I attest to the accuracy and integrity of this document
Punjab & Haryana High Court at Chandigarh

of the petitioner was acquired for development as Sector-7, where notification was issued on the same date. He further submitted that after issuance of notification under Section 4 of the Act, the petitioner filed objections under Section 5-A of the Act and 8 marlas of land on which residential house was existing, was released from the acquisition. This fact has been concealed in the petition. Rather the stand taken by the petitioner is that objections filed by him were not considered. It was further submitted that thereafter the petitioner filed CWP No. 21088 of 2015 praying for issuance of a direction to the respondents to release the compensation of his acquired land. The writ petition was disposed of on 4.4.2016 directing the authorities to consider the claim of the petitioner. The balance amount of compensation for the acquired land was paid to the petitioner thereafter. Filing of the writ petition has been concealed from this Court. Further it has been stated that challenge to the acquisition where notification under Section 4 and 6 of the Act were issued on 23.8.2007 and 21.8.2008, respectively, is highly belated. The writ petition is otherwise also barred, as such a relief though available to the petitioner was not claimed when CWP No. 21088 of 2015 was filed.

Heard learned counsel for the parties and perused the paper book.

The stand taken by learned counsel for the State is in terms of the written statement filed in April, 2017, to which no replication has been filed. Meaning thereby the facts stated therein are not in dispute. As regards concealment, the stand taken by the petitioner in the writ petition is that his objections under Section 5-A of the Act were not considered, whereas 8 marlas of land was released where house had been constructed

Varinder Singh
2017.10.03 12:09
I attest to the accuracy and integrity of this document
Punjab & Haryana High Court at Chandigarh

by the petitioner. Further filing of CWP No. 21088 of 2015 has been concealed.

For the reasons mentioned above, we do not find any merit in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

25.9.2017 (Gurvinder Singh Gill)
vs Judge

Whether speaking/ reasoned Yes/No

Whether Reportable Yes/No