

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

CWP No. 23893 of 2016 (O&M)

Date of decision: 10.7.2017

Pushpa Devi and another

.. Petitioners

VS

State of Haryana and others

.. Respondents

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

Present: Mr. N. C. Kinra, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners, whose land was acquired, have filed the present writ petition praying for quashing of order dated 14.5.2014 passed by the Screening Committee, rejecting the representation filed by the petitioners for release of the land. Challenge has also been made to the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act') on 15.12.2006 and 14.12.2007, respectively, and the award dated 30.11.2009, announced by the Land Acquisition Collector.

Learned counsel for the petitioners submitted that the land owned by the petitioners was sought to be acquired by the State by issuing notification under Section 4 of the Act for use by the Haryana Urban Development Authority, for Public, Semi Public and Residential purposes. It was followed by notification under Section 6 of the Act dated 14.12.2007. The petitioners filed CWP No. 16752 of 2013, challenging the acquisition.

The writ petition was disposed of vide order dated 31.3.2014 in terms of CWP No. 4585 of 2008 -*Darshan Lal Kapoor and others vs Union of India and others*, decided on 29.8.2013. The stand taken by learned counsel for the parties was noticed by this Court in para 11 of the judgment passed in *Darshan Lal Kapoor's* case (supra), wherein while upholding the acquisition, it was noticed that in case any constructed or vacant land on the sector dividing road has been left out of the acquisition, the petitioners are also to be treated similarly.

The plea raised by the petitioners is that they had constructed house, which was controverted by the State by stating that only boundary wall was there. Earlier order passed by this Court in *Darshan Lal Kapoor's* case (supra) was referred to wherein direction had been issued to the respondents to release residential houses wherever the same were not obstructing the development of any public utility. As regards the houses which were falling in any road, etc., direction was issued to provide an alternative site.

The writ petition of the present petitioners was disposed of specifically noticing that since the property of the petitioners falls in the alignment of the road, they are entitled to allotment of a plot. After the disposal of the aforesaid writ petition, speaking order was passed by the Screening Committee for settlement of oustees' claims of Sector 36-A, Rohtak. Noticing the order passed by this Court and considering the policy dated 9.11.2010, the Screening Committee recommended allotment of 250 square yards plot to the petitioners, as applied for.

It is not in dispute that the petitioners have not completed formalities for allotment of plot, as recommended by the Screening

Committee. The acquisition of the land in the present case having already been upheld and only direction being for allotment of alternative plot and the prayer having been accepted by the State, we do not find that any ground is made out to interfere in the present writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

10.7.2017
vs

(Gurvinder Singh Gill)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No