

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

CWP No.25263 of 2015 (O&M)

Date of decision : 16.11.2017

Shamsher Singh

.. Petitioner

versus

The 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 and
Mr. Hardeep Singh Dhillon, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. Shivendra Swaroop, Asstt. Advocate General, Haryana and
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Mr. Lokesh Sinhal, Advocate, for HSIIDC/respondent No.3.

Rajesh Bindal, J.

The petitioner has approached this Court praying for quashing of acquisition of land, where notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short 'the Act'), were issued on 11.7.2006 and 16.7.2007, respectively. Award was announced by the Land Acquisition Collector (for short 'the Collector') on 23.6.2009.

Learned counsel for the petitioner submitted that the petitioner is owner of a plot measuring 110 square yards forming part of Khasra Nos.3045 and 3046, on which construction was raised prior to the issuance of notification under Section 4 of the Act. As this is the only house owned by the petitioner, the same deserves to be released from acquisition. The respondents had released other areas, where construction existed prior to issuance of notification under Section 4 of the Act. Even open land was also released from acquisition.

On the other hand, learned counsel for the respondents submitted that the petitioner owns 24.883 square yards of plot and not 110 square yards as claimed. After issuance of notification under Section 4 of the Act, the petitioner never filed objections under Section 5-A of the Act to claim that there was any construction existing, which deserved to be released. The plot at the time of acquisition was lying vacant. The petitioner started raising construction in September 2015, for which FIR No.867 dated 25.9.2015 was got registered against the petitioner. It was further submitted that the award in the present acquisition was announced by the Collector on 23.6.2009. The petition is highly belated, as it was filed more than six years thereafter.

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

The undisputed facts on record are that notification under Section 4 of the Act was issued on 11.7.2006. Though the petitioner claimed that there was construction existing on the plot owned by him, however, no objections under Section 5-A of the Act were filed. After notification under Section 6 of the Act was issued on 16.7.2007, the Collector announced award on 23.6.2009. The petitioner as per the revenue record owns only 24.883 square yards of plot. The petitioner never raised any grievance after the award was announced. It is only after some of the landowners approached this Court raising grievance about acquisition of their A-class constructed houses and the petitions were disposed of vide order 11.3.2014 passed in CWP No.4369 of 2004 –Jagdish Raj Sharma vs. The State of Haryana and another, directing the authorities to reconsider their cases, the present petition has been filed. It could not be proved on record that there

was any construction existing on the plot of the petitioner prior to issuance of notification under Section 4 of the Act. In fact, as pointed out by learned counsel for the State, the petitioner started raising construction in September, 2015, for which FIR No.867 dated 25.9.2015 was registered against him. The writ petition otherwise filed more than six years after the award was announced by the Collector, is highly belated.

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

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

16.11.2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No