

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

CWP No. 25944 of 2015 (O&M)

Date of decision : 8.11.2017

Karam Chand

.. 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. 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.

It is claimed by the petitioner that he is the owner of the land to the extent of 1,000 square yard, which is forming part of khasra Nos. 3234, 3235, 3237 and 3238. Learned counsel for the petitioner raised plea of discrimination claiming that large chunk of land, where no construction existed, was released from acquisition even after award was announced by the Collector.

Definite stand of learned counsel for the respondents is that the

land forming part of khasra Nos.3235 and 3238 was not acquired vide impugned notifications. Land measuring 101.83 square yard to the extent of 2/97 share comprising in khasra No.3237 (4 bigha 17 biswa) was acquired, possession of which was taken vide Dakhal Karwahi dated 28.8.2009. There was no construction existing on the land, when it was acquired. No objections under Section 5-A of the Act were filed. After taking the possession, HSIIDC had constructed boundary wall, which the petitioner demolished prior to the filing of the present petition, for which FIR No.867 dated 25.9.2015 was lodged against him. It was further submitted that there being dispute regarding claim for compensation, it was deposited with the Court on 1.3.2012. It was further submitted that the present petition deserves to be dismissed being highly belated. Award in the present case was announced on 23.6.2009 and the present petition was filed more than six years thereafter.

After hearing learned counsel for the parties and considering the submission noticed above, the present petition deserves to be dismissed on more than one ground, namely, delay in filing the present petition, which is more than six years after the award for the acquisition in question was announced by the Collector; possession of the land was taken by the State after the award was announced vide Dakhal Karwahi dated 28.8.2009; even boundary wall was constructed by the HSIIDC, which was demolished by the petitioner, for which FIR No.867 dated 25.9.2015 was registered against him. Further there being dispute regarding claim for compensation, the same was deposited by the State with the Court on 1.3.2012. Still further the petitioner never filed objections under Section 5-A of the Act. The land, as

per the stand of the respondents was lying vacant at the time of acquisition and even now.

Considering the aforesaid facts, we do not find that there is any merit in the present petition, the same is accordingly dismissed. However, it is made clear that if the petitioner has any claim for allotment of plot under the oustee's quota policy, he may claim the same.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

8.11.2017
sharmila

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