

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

CWP No. 26084 of 2015 (O&M)

Date of decision : 8.11.2017

Uma Devi and others

.. Petitioners

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 and
 Mr. Hardeep Singh Dhillon, Advocates, for the petitioners.

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 petitioners have 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.

The petitioners claimed that they are owners of plot forming part of khasra No.3228, where even construction had also been raised. Learned counsel for the petitioners raised a plea of discrimination claiming that large chunk of land, where no construction existed, was released from acquisition even after award has been announced by the Collector.

Learned counsel for the respondents submitted that the petitioners are not the owners of the land, as the land is recorded in the name of late Naresh Kumar, the husband of petitioner No.1 and father of petitioners No.2 and 3. The area owned is 120 square yards. It was further submitted that no objections under Section 5-A of the Act were ever filed. It was further submitted that the land at the time of acquisition and even now

is lying vacant. There was no construction thereon. It is stated in the written statement filed on behalf of the respondents, to which no replication has been filed. Otherwise also the petition is highly belated as it was filed more than six years after award was announced by the Collector.

After hearing learned counsel for the parties and considering the fact that Naresh Kumar, who was recorded the owner of the land, at the time of acquisition never challenged the same. Though his date of death is not forthcoming on record, however, memo of parties suggests that he had expired. His widow and children have filed the present petition more than six years after the award was announced by the Collector, which is highly belated. Though plea is sought to be raised that the petitioners had raised construction on the acquired land, which is 120 square yard but the definite stand taken by respondents is that there was no construction when the land was acquired and even now it is lying vacant. On the acquired land, road has been planned by the authorities. No replication to the written statement has been filed.

Considering the aforesaid facts, there is no merit in the present petition. Accordingly the present petition is dismissed. However, it is made clear that if the petitioners have any claim for allotment of plot under the oustee's quota policy, they may claim the same.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

8.11.2017
sharmila

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