

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27429 of 2016.

Date of Decision: January 17, 2017

Ram Kishan and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Shashi Kumar Yadav, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners were *gair-mumkin* tenants (tenants at Will) on the agricultural land owned by respondent Nos.5 to 7. The said land has been acquired by State of Haryana. The petitioners, by way of a petition under Section 18 read with Section 30 of the Land Acquisition Act, 1894, have succeeded in seeking apportionment of compensation for the acquired land and 75% of the compensation has been given to them whereas the expropriated owners got only 25% of such compensation.

[2] State of Haryana/HUDA has also formulated a policy known as 'Oustees Policy' whereunder the affected land-owners are allotted plots in lieu of their acquired land. Under the said policy, small plots measuring 4 marla have been allotted to the private-respondents being admitted owners of the acquired land.

[3] The petitioners now assert that they have a preferential right to such allotment of plots as compared to the private respondents.

[4] Having heard learned counsel for the petitioners, we are of the considered view that the petitioners' claim is totally out of greed, misconceived and misdirected. Oustees policy is not referable to under any provision of the Land Acquisition Act, 1894. The States has its own formulated the policy to rehabilitate the expropriated land-owners. The policy has not been expanded to include even the "persons interested" within its ambit. Further, the petitioners had not acquired the status of 'occupancy tenants' to whom proprietorships rights qua the land under occupation have been conferred under the statutes like Punjab Security of Land Tenures, Act 1953. The petitioners have thus no claim whatsoever to seek allotment of plots under the oustees policy and that too in place of the private-respondents.

Dismissed.

[SURYA KANT]
JUDGE

January 17, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No