

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

CWP No. 384 of 2015 (O&M)

Date of decision : 2.6.2017

Srikrishan and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

**Coram:     Hon'ble Mr. Justice Rajesh Bindal  
              Hon'ble Mrs. Justice Sneh Prashar**

**Present:**     Mr. Shilak Ram Hooda, Advocate for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

**Rajesh Bindal, J.**

The petitioners have approached this Court seeking quashing of notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894, Annexures P/13 and P/15 dated 18.1.2012 and 11.1.2013, respectively.

*Inter alia* ground raised is that the land is being utilized for running a school, the acquisition being in violation of the policy framed by the Government on 26.10.2007 which provides for release of any building. In support of the plea that the school is functional in the building, petitioners had placed on record photographs as Annexure P/16.

As apparently photographs did not suggest that any school could be functional in the building, learned counsel for the State was requested to apprise the Court about the correct status. On 21.3.2017, learned State counsel pointed out that the alleged school building in the land

of the petitioners was lying abandoned with no activity. Still thereafter, the site was inspected and an affidavit dated 19.5.2017 was filed in Court on 22.5.2017, reiterating the position that there was no school functional at the site pointed out by the petitioners. Still the petitioners took definite stand that at present there was 250 students admitted in the School. Earlier it was upto middle standard, however, now it has been upgraded upto high standard.

Seeing condition of the building, learned counsel for the State was directed to produce inspection report of the school by the Education Department. Inspection report has been produced. The site was inspected by the District Education Officer, Sonapat in the presence of petitioner No.1-Srikrishan. It has been pointed out in the report that the building in question, the photographs of which have been annexed with the petition, is lying abandoned. Earlier it may have been utilized for school but there was no arrangement of drinking water, toilets or even electricity. Wild grass was all around in the open area of the school. The school, namely, Dheer Dhoop High School, Nangal Kalan, Tehsil and District Sonapat is in fact functional in a building which is located at a distance of about 800-900 meters from the place in question.

The claim made by the petitioners in the writ petition was that the school was functional in Killa No.17//10, 11/1, 11/2 where abandoned building is situated. Presently for the last many years the school is functional in Khasra No.34//10/2/2.

Considering the aforesaid factual matrix and the primary stand taken by the petitioners that the area be released from acquisition as the

school was functional, being incorrect, we do not find any reason to interfere in the present petition and the same is accordingly dismissed.

(Rajesh Bindal)  
Judge

2.6.2017

(Sneh Prashar)  
Judge

*ps-I*

Whether speaking/ reasoned  
Whether Reportable

Yes/No  
Yes/No