

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

CWP No. 3177 of 2016 (O&M)

Date of decision: 29.8.2017

Som Nath and others

.. Petitioners

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Gurminder Singh Gill**

Present: Mr. Vijay Kumar Jindal, Senior Advocate with
 Mr. Amardeep Sheoron, Advocate, for the petitioners.

Mr. Ankur Mittal, Additional Advocate, General, Haryana with
Mr. Manoj Dhankhar, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

The present petition was filed in this Court impugning the notification dated 21.4.1987 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), which was followed by notification dated 20.4.1988 issued under Section 6 of the Act. In the committee constituted under the Chairmanship of Administrator, HUDA, Panchkula, application filed by the petitioners under Section 24 (2) of the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, the 2013 Act) claiming that acquisition lapsed on account of the fact that compensation had not been received fully and the petitioners are still in possession of the land, was dismissed. This order has also been impugned in the petition.

In support of their plea, the petitioners have placed on record (Annexures P-9 to P-16) various letters issued by Land Acquisition Officer, Urban Estate Department, Panchkula bearing memo Nos.3615 to 3622 dated 22.7.2014 claiming that the petitioners having deposited back the amount of

compensation in terms of the order passed by the High Court on 21.5.2012 in CWP No.9518 of 2012, Sections 4 and 6 of the 1894 Act do not apply in the cases of the petitioners. The dates of the notifications under Sections 4 and 6 of the 1894 Act as mentioned in the letters are 11.2.2002 and 10.2.2003, respectively. The petitioners claimed that these letters have been written by Land Acquisition Officer, Urban Estate Department, Panchkula to the petitioners. They have also placed on record various letters issued by the Estate Officer, HUDA, Kurukshetra dated 4.8.2014 (Annexures P-17 to P-23) giving no objection certificate giving reference to the letters noticed above issued by the Land Acquisition Officer, for correction of mutation in favour of the petitioners.

The definite stand by the respondents in the written statement is that after the acquisition of land owned by the petitioners, compensation was paid to them way back on 4.5.1990. Even enhanced compensation was also paid subsequently in the year 1993-94. Possession of land was also handed over to HUDA after the award was announced. Earlier the petitioners filed CWP No. 9518 of 2012-Som Nath and others vs. State of Haryana and others challenging the acquisition. The same was dismissed with ₹ 50,000/- cost on 21.5.2012. Subsequently, the petitioners preferred CWP No.10365 of 2015, which was disposed of on 26.5.2015. Claim made in the aforesaid writ petition was that the acquisition has lapsed in view of Section 24 (2) of the 2013 Act. The impugned order dated 25.11.2015 (Annexure P-27) was passed in pursuance to order passed in the aforesaid writ petition.

It was pointed out by learned counsel for the respondents that the documents (Annexures P-9 to P-16) are forged. These letters were never

issued by the office of Land Acquisition Officer, Urban Estate Department, Panchkula. He referred to copy of the dispatch register produced along with written statement showing that against the dispatch numbers as mentioned in the letters produced by the petitioners, letters were addressed to some other persons. He further pointed out that after the written statement was filed in this Court in July, 2016, relevant pages from the original dispatch register containing relevant dispatch numbers have been torn off.

Further submission is that even the letters (Annexures P-17 to P-23) shown to have been written by Estate Officer, HUDA, Kurukshetra to the petitioners dated 4.8.2014 are also fake, as no such letters were ever written by the Estate Officer, HUDA, Kurukshetra to the petitioners. Against the dispatch numbers mentioned in the aforesaid letters, communications were addressed to different persons and not to the petitioners. On the basis of aforesaid forged letters and no objection certificates the petitioners even got mutation entered in their names on 29.11.2014. However, when the petitioners applied to the authorities for demarcation of land for handing over possession to them, the matter came to the notice of the authorities that the land had already been acquired. Mutation was got re-transferred in the name of HUDA on 6.2.2015.

He further submitted that the stand taken by the petitioners that they had deposited the amount of compensation received by them with the Land Acquisition Officer, is also wrong, as no amount was ever deposited by the petitioners with the office. For the purpose, letter dated 12.5.2016 (Annexure P-31) vide memo number 1204 relied upon by the petitioners, is also a fake document, which is signed by Devender Kumar, Kanoongo for Land Acquisition Officer, Urban Estate Department, Panchkula. He is

involved in other criminal cases as well. He further submitted that when issue regarding release of land in terms of the judgment of this Court in CWP No.2289 of 2006 decided on 11.10.2007 quashing the acquisition was being considered, issue was raised by some of the landowners regarding harassment by the staff. Enquiry was conducted. During that enquiry, it was found that certain letters had been forged and pages from dispatch register were missing, which included the letters and dispatch register referred to above. Four officials were held guilty. It was informed that some of these officers/officials were found guilty in other frauds also. Though enquiry report was submitted in August, 2017, however, the matter is still pending consideration with the higher authorities.

At this stage, learned counsel for the petitioners submitted that he may be permitted to withdraw the petition.

Considering the conduct of the petitioners where forged documents have been placed on record, which may have been prepared in connivance with the officials of the Urban Estate Department or HUDA, the petitioners are permitted to withdraw the petition. However, the same shall be subject to cost of ₹ 5,00,000/-. The cost be deposited with the Registry of this Court within a period of three months.

Process of enquiry in HUDA was initiated in April, 2017. The report was submitted in August, 2017 and the matter is pending at the level of Director, Urban Estate Department.

The Director, Urban Estate Department is directed to take final decision in the matter within two weeks from the date of receipt of copy of this order and take strict legal action against the officer/official found guilty in the enquiry.

As the case relates to the forging of documents of record, which may includes letters, notings and removal of pages from the dispatch register, let criminal case be got registered by Departments/Offices from where the forged documents have been prepared and pages have been removed from dispatch register. There are certain documents available in the file, which contains the enquiry report, as conducted by the Administrator, HUDA, which apparently are forged. Those shall also be taken into consideration while holding enquiry and/or getting FIR registered.

The writ petition is disposed of.

For the purpose of compliance, the matter may be listed before this Court on 30.10.2017.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

29.8.2017
sharmila

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No