

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 7273 of 2013 (O&M)  
Date of decision: 6.4.2017

**Sanjeev and others**

**.. Petitioners**

**v.**

**State of Haryana and others**

**.. Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL  
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kulwant Singh, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Aashish Chopra, Advocate for respondent No. 4.

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Rajesh Bindal J.

This order will dispose of two petitions bearing CWP Nos. 7273 and 7324 of 2013, as the issues involved in both the petitions are identical.

However, the facts have been extracted from CWP No. 7273 of 2013.

Briefly, the facts of the case are that vide notification dated 14.7.2011, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'), State of Haryana sought to acquire land, situated in villages Garhi Bohar and Kheri Sadh, District Rohtak for sector dividing road, i.e., Sectors 26 and 27, residential part sector dividing road Sectors 26 and 27, 26-A and 27-A, 26-A and 26 and 27-A and 27. The same was

followed by notification dated 28.3.2012, issued under Section 6 of the 1894 Act. The Land Acquisition Collector, vide award dated 18.6.2013, assessed the market value of the acquired land.

The primary ground of challenge of the petitioners is that the objections filed by them under Section 5A of the 1894 Act were not considered. The alignment of the sector dividing road was changed with a view to benefit respondent No. 4, private builder, in the area. The land in question is the only source of livelihood for the petitioners.

The stand taken by learned counsel for the State was that major part of the land owned by the petitioners forms part of the sector dividing road, green belt and service road, however, some part of the land, which falls in the sector, is required for its planned development. The land is otherwise also being used by the petitioners for agricultural purposes only, as there was no construction existing thereon. Quashing or release of the land at this stage would affect the planning. It forms part of Sector 27 at Rohtak.

After hearing learned counsel for the parties, we do not find any reason to interfere in the present petitions. Earlier the land for development as Sectors 27 and 28 was acquired, where notification under Section 4 of the 1894 Act was issued on 11.4.2002. The matters, challenging the aforesaid acquisition went upto Hon'ble the Supreme Court in Uddar Gagan Properties Ltd. v. Sant Singh and others, (2016) 11 SCC 378, where the acquisition was held. Release of land in favour of the builder was quashed and the entire land was directed to be vested in Haryana Urban Development Authority. In the present case, the acquisition was for the purpose of sector dividing road. The land owned by the

petitioners was being used for agricultural purposes and there was no construction existing thereon. It falls partly in Sector 27 and partly on the sector dividing road, green belt and service road. The ground of challenge is that alignment of the road was changed to benefit a private builder. Once in view of the judgment of Hon'ble the Supreme Court in Civil Appeal No. 5072 of 2016—Uddar Gagan Properties Ltd. v. Sant Singh and others, decided on 13.5.2016, all the licences granted to the private builder in the area have been cancelled and the entire land has been vested in Haryana Urban Development Authority, in our opinion, that ground no more sustains.

As far as the objections raised by the petitioners to the acquisition are concerned, the same are quite general in nature. No plea of discrimination has been raised. Quashing of the notification, especially with reference to the land, which was being used for agricultural purposes at the time of acquisition, will disturb the entire planning of the area, hence, we do not find any ground to quash the same.

Accordingly, the writ petitions are dismissed.

(Rajesh Bindal)  
Judge

(Harinder Singh Sidhu)  
Judge

6.4.2017

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

