

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 28371 of 2017 (O&M)  
Date of decision: 13.12.2017

**Manohar Lal and others**

**.. Petitioners**

**v.**

**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, Advocate for the petitioners.

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Rajesh Bindal J.

Challenge in the present petition is to the order dated 11.10.2017 passed by the Principal Secretary to Govt. Haryana, Urban Estates Department, Haryana, vide which representation of the petitioners for release of acquired land on the ground that houses had been constructed thereon, was rejected.

In the case in hand, notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, 'the Act') were issued on 25.1.2008 and 23.1.2009, respectively. Challenging the acquisition, the petitioners filed CWP No. 6462 of 2009, which was disposed of on 29.4.2009 with a direction to the respondents to take a decision on the representation submitted by the petitioners. Thereafter, area measuring 2,519.25 square yards out of the land measuring 4,386.25 square yards was left out of acquisition. The order was passed on 12.8.2009. The aforesaid order was

challenged by filing CWP No. 17484 of 2009, which was dismissed vide

order dated 4.10.2010. The petitioners felt satisfied with the order. It is claimed that fresh representation was filed on 6.1.2016 in view of the policy circulated by the Government on 24.1.2011 regarding release of land, on which construction was existing prior to the issuance of notification under Section 4 of the Act. As the representation was not decided, CWP No. 7434 of 2016 was filed, which was disposed of on 25.4.2016 directing the authorities to decide their representation. The same has now been rejected vide impugned order dated 11.10.2017.

Learned counsel for the petitioners, while impugning the order dated 11.10.2017, submitted that construction was existing prior to the issuance of notification under Section 4 of the Act. In fact, only part thereof had been released, after the petitioners filed CWP No. 6462 of 2009. The plea that the area was required for construction of road was not made out as no road has been constructed and the land is lying vacant un-utilised. He further submitted that the road has been re-aligned.

After hearing learned counsel for the petitioners, we do not find any reason to interfere in the present petition at this stage. Initially, when the land was acquired, the petitioners filed CWP No. 6462 of 2009 for consideration of their representation. Thereafter, the State left out 2,519.25 square yards out of the land measuring 4,386.25 square yards, considering the fact that construction was existing thereon. The acquisition of part of the land was challenged by filing CWP No. 17484 of 2009, which was dismissed on 4.10.2010. The order was not challenged any further. Fresh representation was made on 6.1.2016 referring to the policy issued by the State on 24.1.2011, vide which the constructed area could be released. The representation has been rejected vide impugned order dated 11.10.2017.

Once the acquisition of land, which is now sought to be challenged, has already been upheld by this court vide order dated 4.10.2010 passed in CWP No. 17484 of 2009, the claim cannot be examined afresh.

Accordingly, the writ petition is dismissed.

(Rajesh Bindal)  
Judge

(Gurvinder Singh Gill)  
Judge

13.12.2017  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |