

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9788 of 2014(O&M)

Date of Decision:30.10.2017

M/s S.K.Chemical Industries

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Rajesh Bindal.
Hon'ble Mr.Justice Gurvinder Singh Gill.

Present: Mr.Akshay Bhan, Senior Advocate with
Mr.Amandeep Singh Talwar, Advocate,
for the petitioners.

Mr.Ankur Mittal, Addl. A.G., Haryana with
Mr.Shivendra Swaroop, AAG, Haryana and
Mr.Manoj Dhankhar, AAG, Haryana.

Rajesh Bindal, J.

The petitioner has filed the present writ petition, claiming that the acquisition of land measuring 3,300 square yards owned by him has lapsed, as the compensation for the acquired land was not paid and even the possession thereof was not taken.

Learned counsel for the petitioner submitted that the total land owned by the petitioner was 4,351 square yards. The petitioner had constructed his industrial unit on the part of the same, which was functional prior to even issuance of notification under Section 4 of the Land Acquisition Act, 1894 (for short “the 1894 Act”). Though, the award was announced for the entire land, however, subsequently 1,051 square yards of land was released from acquisition. It was merely the constructed portion.

The present petition was filed raising the plea of discrimination and also that compensation for the acquired land having been not paid, the acquisition lapsed in view of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “2013 Act”). Learned counsel for the petitioner fairly submitted that portion of the land acquired for the purpose of construction of road is not being objected to by the petitioner, wherever construction of his factory building is not there.

On the other hand, learned counsel for the State did not dispute the fact that the compensation for the acquired land has not been paid to the petitioner.

Heard learned counsel for the parties and considered the admitted position as noticed here-in-above. Part of the acquired land, where the petitioner was already running his Industrial Unit prior to the issuance of notification issued under Sections 4 and 6 of the 1894 Act both dated 06.01.1977, was released from acquisition, however, the open compound was acquired. It is not in dispute that the amount of compensation for the entire acquired land has not been paid to the petitioner till date. Though, it was claimed by learned counsel for the State that the possession of the acquired land was taken, however, it is also a fact that though the Industrial Area has been developed but this portion of land has not been developed. Though the plots were carved out in this portion, however, those were not sold.

As is fairly stated by learned counsel for the petitioner that he has no objection for acquisition of part of the land, where the road is to be constructed, in the site plan produced on record by learned counsel for the

State, as brought by Shakuntla Sahni, ATP, Jhajjar, area so acquired has been identified as “A to B and C to D”, where no construction is existing. For that portion of land, the State shall be bound to pay compensation to the petitioner, in accordance with law. For the rest of the land, the acquisition has lapsed, in view of the provisions under Section 24(2) of the 2013 Act.

The present writ petition is disposed of accordingly.

(Rajesh Bindal)
Judge

October 30, 2017
seema

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No