

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8936 of 2015 (O&M)
Date of decision: 10.7.2017

Charanjit Singh

.. Petitioner

v.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

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Rajesh Bindal J.

This order will dispose of two petitions bearing CWP Nos. 8936 and 8961 of 2015, as the issue involved in both the petitions is identical.

CWP No. 8936 of 2015 has been filed by Charanjit Singh, who claims to be owner of the land in pursuance to a court decree passed in his favour on 6.8.2011 by Additional Civil Judge (Senior Division), Dabhwali.

CWP No. 8961 of 2015 has been filed by Sukhbir Kaur, who was the recorded owner of the land at the time of issuance of notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act').

In both the petitions, challenge has been made to acquisition of land vide notification dated 21.5.2010, issued under Section 4 of the Act, which was followed by notification dated 20.5.2011, issued under Section 6

of the Act. The Land Acquisition Collector passed the award on 15.5.2013.

After the notification under Section 4 of the Act was issued, Gurmeet Kaur and Sukhbir Kaur, being the recorded owners filed objections under Section 5A of the Act. It was stated in the objections that foundation and boundary wall have been constructed at the site. After considering the objections under Section 5A of the Act, 50 square yards of land was released in favour of Gurmeet Kaur. Rest of the land was acquired.

Earlier Charanjit Singh-petitioner filed CWP No. 13942 of 2013 challenging the acquisition raising the ground of discrimination. The writ petition was disposed of on 4.9.2013 directing the authorities to decide the representation. In pursuance thereto, order was passed by Secretary-cum- Director General, Urban Estates Department, Haryana on 27.8.2014. The claim made by the petitioner was rejected. It has been specifically noticed in the aforesaid order that 50 square yards of land was released from acquisition initially. The order further notices that the petitioner can approach Chief Administrator, HUDA for allotment of plot under the policy dated 9.11.2010. Charanjit Singh-petitioner challenged the order dated 27.8.2014 raising a plea that there was construction existing on the acquired land to the extent of shops, godowns and rooms along with boundary wall. In support, information sought from District Town Planner, Sirsa, vide memo dated 28.5.2014 has been annexed. However, if seen in the light of the objections filed by the recorded owners under Section 5A of the Act, the claim made is totally misconceived, as in the objections, the only pleaded case was that there was foundation and a boundary wall existing on the acquired land. The ownership of the land was transferred in the name of Charanjit Singh in pursuance to a court decree dated 6.8.2011,

which was after the filing of objections by Gurmeet Kaur, from whom the land was got transferred in his favour.

As far as the case of Sukhbir Kaur is concerned, she also filed CWP No. 13868 of 2013, which was disposed of on 4.9.2013 for decision of her representation. In this also, in the objections under Section 5A of the Act, the only pleaded case was that foundation and boundary wall was existing, whereas in the petition, it is sought to be claimed that there were shops, godowns, rooms alongwith boundary wall.

In the aforesaid factual matrix of the case, where the acquisition earlier as well as now is sought to be challenged on the ground of discrimination cannot be made out, as the land admittedly was lying vacant at the time of issuance of notification under Section 4 of the Act, barring some small portion on which there was some construction, for which 50 square yards of land was initially released in favour of Gurmeet Kaur.

For the reasons mentioned above, we do not find any merit in the present petitions. Accordingly, the same are dismissed.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

10.7.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No