

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

CWP No. 8536 of 2016 (O&M)

Date of decision: 18.5.2017

Bayasa Devi and another

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Ramendra Jain**

Present: Mr. Balwinder Singh, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners herein have challenged the acquisition of land where notification under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 30.11.2006 and notification under Section 6 of the Act dated 28.11.2007. They have also challenged the order dated 27.11.2015 passed by the Secretary-cum-Director General, Department of Urban Estates, Haryana, dismissing their prayer for release of the land. It is a case in which after the acquisition was carried out, the same was challenged before this Court by the landowners. Acquisition was upheld vide order dated 25.1.2011 in CWP No. 18278 of 2008 Ram Karan and others vs State of Haryana and others. The petitioners had purchased the land vide sale-deed dated 29.12.2006, after the issuance of notification under Section 4 of the Act.

Judgment of this Court passed in Ram Karan's case (supra), was challenged by some of the landowners before Hon'ble the Supreme

Court, where the same was set aside and the matter remitted back to the Collector on the issue of objective consideration of the objections filed by the landowners.

In the case of the petitioners, since they were not even the owners of the land on the date of issuance of notification under Section 4 of the Act, they did not even file the objections under Section 5-A of the Act.

After hearing learned counsel for the parties and considering the aforesaid factual matrix, we find no merit in the present petition. Firstly, the petitioners are the purchasers of the land after the issuance of notification under Section 4 of the Act and they having not filed objections under Section 5-A of the Act, cannot even claim the benefit of Judgment of Hon'ble the Supreme Court in Civil Appeal Nos. 6668-69 of 2013 – Gian Chand and others vs State of Haryana and others decided on 7.8.2013. Otherwise, the acquisition was already upheld by this Court.

Finding no merit in the present petition, the same is dismissed.

(Rajesh Bindal)
Judge

18.5.2017
vs

(Ramendra Jain)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No