

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6859 of 2017 (O&M)

Date of Decision: 19.04.2017

M.R. DAV Educational Trust (Regd.)

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. H.S. Hooda, Sr. Advocate with
Mr. Narender Prabhakar and
Mr. Vivek Gupta, Advocates
for the petitioner.

RAJESH BINDAL, J.

The petitioner has filed the present petition challenging the acquisition of land where notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 13.2.2008, which was followed by notification issued under Section 6 of the Act on 31.12.2008. The award was announced by the Collector on 13.7.2009.

Learned counsel for the petitioner submitted that it has set up an educational institution on the land in dispute and with the acquisition of a part thereof, some portion of building may have to be demolished. The petitioner is still in possession of the land. After notification under Section 4 of the Act was issued, objections were filed on 24.3.2008. Thereafter part of the land for which change of land use permission had been granted, was not finally acquired. However, some portion of the land on which building was existing was not released from acquisition. The petitioner is carrying on its activities for public good. It is infact providing service to the society in

the form of education to the school going children. With the acquisition of

the land, the activity will be disturbed. There were recommendations made even by the Collector for release of the land. Earlier the petitioner had filed CWP No. 11593 of 2016 titled as M.R. DAV Educational Trust Vs. State of Haryana and others, which was withdrawn to approach the State authorities on 12.7.2016. Thereafter the representation dated 6.9.2016 was made on which Additional Chief Secretary Town and Country Planning, had put up a note that on verification of facts, detailed note be put up. Thereafter nothing has been done. In the meantime, on 15.12.2016 public notice has been issued inviting tenders for construction of fire station on the part of the acquired land.

Heard learned counsel for the parties and perused the paper book.

In the case in hand, the present petition deserves to be dismissed not only on account of delay and laches but even on merits as well. The notification under Section 4 of the Act was issued on 13.2.2008. The petitioner filed objections on 24.3.2008 and as consequence thereof while accepting those, the land for which the change of land use permission has been granted to the petitioner, was not finally acquired. Notification under Section 6 of the Act was issued on 31.12.2008. The award was announced by the Collector on 13.7.2009. The petitioner being not aggrieved did not file any objections to the award announced by the Collector. Petition for the first time to challenge the acquisition, that too after the award had been announced by the Collector on 13.7.2009, was filed in the year 2016, which was listed in the Court on 12.7.2016 and was withdrawn so as to enable the petitioner to approach the State authorities.

Thereafter the present petition has been filed in March 2017. Even the

earlier petition was also filed seven years after the award was announced by the Collector. The aforesaid fact clearly establishes that whatever land was released initially, the petitioner was satisfied with that. There is nothing on record to suggest as to when the building which is sought to be suggested as constructed on the part of the land acquired, was constructed. If the building was already existing when the acquisition was made, the petitioner would have certainly raised issue with the authorities immediately after the acquisition. Meaning thereby, the same must have been constructed lateron. Another important fact is that there was even error in mentioning khasra numbers in the notification initially issued under Section 6 of the Act. Subsequently there was corrigendum notified on 12.2.2009 vide which the khasra numbers mentioned in the notification under Section 6 issued on 31.12.2008, were corrected. Even at that stage, the petitioner never thought of raising grievance.

For the reasons mentioned above, we do not find any merit in the present petition and the same is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

19.04.2017
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Whether speaking/reasoned

√
Yes/No

Whether Reportable:

Yes/No