

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

**COCP No. 3483 of 2017 (O&M)
Date of Decision: 17.01.2018**

M/s Hind Metal Chem Industries Pvt. Ltd.,
Kundli, District Sonipat through its Managing Director

..... Petitioner

Versus

Shri Y.S. Malik, IAS, Additional Chief Secretary,
Govt. of Haryana, Industries and Commerce Department,
Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Meenakshi Sharma, Advocate and
Mr. Sushil K. Sharma, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner-Company is stated to have purchased 13 *Kanals* and 16 *Marlas* of land comprised in *Khasra* No. 84//11 (8 *Kanal*) and 84/12/1 (5 *Kanal*- 6 *Marla*) situated in Village Kundli, Tehsil & District Sonipat, in the year 1990, and allegedly set up their industrial unit. The land in question was acquired by the State of Haryana for Haryana State Industrial & Infrastructure Development Corporation (HSIIDC) to set up Industrial Estate, Kundli, vide Notification dated 10.11/05.12.2000 under Section 4 and Notification dated 28.11.2001 under Section 6 of the Land Acquisition Act.

The petitioner-Company challenged the aforesaid acquisition by filing writ petition bearing *CWP No. 5938 of 2003* on the ground that the similarly situated industrial units had been left-out from the acquisition; as also that the acquired property was also being used for industrial purposes

and, therefore, in conformity with the purpose of acquisition, i.e.,

“expansion and development of industrial area”. The said petition alongwith other connected writ petitions of the other land owners were disposed of vide order dated 29.10.2013 (**Annexure P-1**) by a Division Bench of this Court, whereby it was ordered that *“the individual claims of the writ petitioners would be decided within three months of the receipt of certified copy of the order in the light of certain parameters therein the order”*.

The present contempt has been filed with the allegations that the respondents have demolished the building comprised in the aforesaid land on 27.12.2016 and, therefore, violated the directions contained in the order dated 29.10.2013 (**P-1**).

After hearing counsel for the petitioner, no case for invoking the contempt jurisdiction is made out.

It is not in dispute that in compliance of the directions contained in the order dated 29.10.2013 (**P-1**), a speaking order dated 14.10.2014 (**Annexure P-4**) was passed by the competent authority. In the said order, it was noticed that since the petitioners had left the awarded compensation amount and filed References under Section 18 of the Land Acquisition Act, for enhancement of compensation, the area could not be left-out of the acquisition, however, it was acknowledged that in case the petitioner is willing to set up an industrial unit in the area, the petitioner would be allotted a plot upto one acre size at the rate applicable within three months from the date of its application.

It is also apparent that the aforesaid order dated 14.10.2014 (**P-4**) has been challenged by the petitioner by filing a writ petition bearing

dated 04.08.2016 without any interim protection in favour of the petitioner. It is also conceded that after the alleged demolition on 27.12.2016, the said *CWP No. 15545 of 2016* was listed for hearing on 28.08.2017, as also on 28.08.2017, the following order was passed:-

“ CWP No. 15545 of 2016
M/S HIND METALCHEM INDUSTRIES(P) LTD
VS
STATE OF HARYANA AND ORS

Present: *Mr. Sushil K. Sharma, Advocate, for the petitioner.*

Mr. Ankur Mittal, Addl. A.G., Haryana.

*Mr. Sukhandeep Singh, Advocate for
Mr. Lokesh Sinhal, Advocate, for respondent
No.2.*

As the issue raised in the present petition may have relevance with the matter pending consideration before Hon'ble the Supreme Court in SLP (C) No.10742 of 2008 Yogesh Neema and other v. State of M.P. And others, let the same be heard after the decision in the aforesaid case.

Pleadings, if any required to be completed, be completed. It is made clear that when the matter is listed for hearing after the decision of Hon'ble the Supreme Court, no further time shall be granted to either of the parties to file any pleadings.

-Sd-
(Rajesh Bindal)
Judge

-Sd-
(Gurvinder Singh Gill)
Judge

August 28, 2017 ”

It is also evident that no grievance regarding the alleged demolition was made during the course of hearing in *CWP No. 15545 of 2016* on the aforesaid dates.

Be that as it may from the facts narrated above, the respondents by passing the order dated 14.10.2014 **(P-4)** had complied with the directions contained in the order dated 29.10.2013 **(P-1)** *qua* which a recourse stands adopted by the petitioner, therefore, there is no occasion for the petitioner to allege violation of the directions contained in the order dated 29.10.2013 **(P-1)** on the ground of alleged demolition of the building on 27.12.2016.

Dismissed.

January 17, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>