

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 17.05.2018

CWP-13169-2016

Dinesh Kumar

... Petitioner

Versus

Haryana State Industrial & Infrastructure
Development Corp. Ltd. & ors.

... Respondents

CWP-13175-2016

Purushottam Das

... Petitioner

Versus

Haryana State Industrial & Infrastructure
Development Corp. Ltd. & ors.

... Respondents

CWP-13283-2016

Sandeep Sharma

... Petitioner

Versus

Haryana State Industrial & Infrastructure
Development Corp. Ltd. & ors.

... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Advocate
for respondents No.1 & 2.

Mr. Lokesh Sinhal, Addl. AG, Haryana.

Mahesh Grover, J.(Oral)

This order will dispose of CWP Nos.13169, 13175 and 13283
of 2016 as same question of law is involved in them. The brief facts of the
case are taken from CWP No.13169 of 2016.

This petition has been filed under Articles 226/227 of the Constitution of India where petitioner has prayed for issuance of direction in nature of certiorari for setting aside the order/letter dated 11.05.2016 (Annexure P-8) passed by Estate Manager for Haryana State Industrial & Infrastructure Development Corporation Ltd. (hereinafter referred as 'HSI IDC') cancelling the letter of intent of residential plot under the Rehabilitation and Resettlement Policy, 2007.

The land in question was subjected to the notification under Sections 4 and 6 of the Land Acquisition Act, 1993 whereafter on 08.10.1997 an award was pronounced. The petitioner was occupancy tenant of 1 kanal 4 marlas of land comprising khasra No.6//9/2 and thus, filed a suit claiming ownership on the basis of his status as an occupancy tenant, which was dismissed. The Appellate Court, however, vide its order dated 24.08.2005 accepted the appeal of the petitioner and declared him owner. Subsequent thereto, the petitioner also received compensation from the State on account of the acquisition. The execution application would indicate so. Even otherwise this fact is not denied. What is now sought to be pleaded by the petitioner is that he being the owner is entitled to a residential plot under the Rehabilitation and Resettlement Policy, 2007, the benefit of which is being denied to him on the ground that it does not apply to the acquisition completed i.e. award announced prior to 05.03.2005.

Learned counsel for the petitioner contends that right of ownership accrued to him on August 2005 after cut of date and thus, would be entitled to plot in terms of the policy.

After hearing learned counsel for the parties, we are of the opinion that the claim of the petitioner is misplaced. Clause 5 of the policy

is extracted herebelow:

“This policy will be applicable with effect from 5th March, 2005 and cover all those cases of acquisition in which awards of compensation were announced on or after 5th March, 2005.”

The aforesaid refers to the acquisition and award pronounced on or after 05.03.2005. It does not in any way relate to the issue of ownership.

Learned counsel for the petitioner has tried to derive milage from the fact that at some place in the execution proceedings the date of award has been given out as 29.11.2005 but this fact has been adequately clarified in the reply filed by the respondents to be a typographical error and even record that is undisputed would reveal the award of the year 1997. It was the compensation paid to the petitioner on 29.11.2005, to which some erroneous interpretation was given by the Courts below. From such an error the petitioner cannot derive any benefit and looking at the facts in totality in terms of the policy and the same not being under challenge in any manner, respect would have to be accorded to its terms.

We, thus, do not find any merit in the petitions and dismiss the same.

(MAHESH GROVER)
JUDGE

17.05.2018
sonia

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No