

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

CWP No.1475 of 2016 (O&M)

Date of Decision: 19.02.2018

Harjeet Kaur

...Petitioner

VS.

State of Haryana & Anr.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan**

Present: Ms. Sonia G Singh, Advocate for the petitioner

Mr. Ankur Mittal, Addl. AG Haryana and
Mr. Manoj Dhankar, AAG Haryana

SURYA KANT J. (Oral)

(1) The petitioner is aggrieved by the notifications dated 28.06.2012 and 24.06.2013 issued under Section 4&6 of the Land Acquisition Act, 1894 followed by Award No.1 of the 2015 whereby compensation in respect of the entire land including the land of the petitioner measuring 15 marla comprising Khasra No.164/25/1/1, has been assessed under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(2) The undisputed facts are that the petitioner is owner of Khasra No.164/16/1/2, 25/1/1 abutting the Karnal-Assandh road where she has installed a Retail Outlet, namely, petrol pump. Her principal grievance is that the impugned acquisition includes also the land where oil tanks have been installed.

(3) State of Haryana through Special Secretary, Agriculture and Farmers Welfare Department, Haryana has filed the written statement explaining, *inter alia*, that the existing Grain Market at Assandh has become congested being small in area which is required to be expanded in public

interest to provide sufficient space for facilitating sale and purchase of voluminous agricultural produce in the area. It has been further averred that the acquisition has been carried out strictly in accordance with the procedure provided under the 1894 Act and objections filed under Section 5A were duly considered on merits.

(4) As regards the petitioner's apprehension that the area where oil tanks are installed is also under acquisition, learned State counsel has produced a copy of *aks shajra* showing extension of New Grain Market at Assandh besides lay out plan of the location of petrol pump of the petitioner. Both these documents are taken on record as Mark 'A' and Mark 'B', respectively. On the strength of these documents coupled with the instructions given by the officials present in Court, learned State counsel submits that none of the oil tanks fall within the acquired land and only rear side of the petitioner's land comprising 15 marla has been acquired though it includes a part of the office constructed at the site. He further submits that since the award was passed in the year 2015, the Land Acquisition Collector has taken care of the provisions of 2013 Act and compensation has been duly assessed thereunder.

(5) Having heard learned counsel for the parties and taking into consideration the fact that the acquisition has been made strictly in accordance with the prescribed procedure and for a *bona fide* public purpose, we do not find any ground to interfere with the same. The petitioner's apprehension that the area where oil tanks are installed is also under acquisition surely merits consideration but that has been adequately redressed by the respondents with a categorical stand that such area does not fall within the acquired land. The writ petition is accordingly disposed of

granting four months' time to the petitioner to reconstruct the office part in such a manner that her day-to-day business is not hampered. Needless to say that the petitioner filed a reference under Section 18 and has got the enhanced compensation as well. However, she will be at liberty to seek further enhancement in the compensation in accordance with law.

(6) Ordered accordingly.

(Surya Kant)
Judge

19.02.2018

vishal shonkar

(Shekher Dhawan)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No