

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

CWP No.17915 of 2016 (O&M)

Date of Decision: 29.01.2018

Jai Narain

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. Sanjay Mittal, Advocate for the petitioner

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

SURYA KANT J. (Oral)

(1) The petitioner while questioning the validity of notifications dated 01.07.2011 and 26.06.2012 issued under Section 4&6 of the Land Acquisition Act, 1894, respectively followed by Award No.16 dated 08.11.2014, seeks a further direction for his release of his residential house which also stands acquired vide the impugned acquisition. The photographs of the house have also been placed on record.

(2) Learned State counsel, at the outset, submits that the petitioner has entered into agreement to sell in respect of the said property and the person to whom he agreed to sell the same, is also independently pursuing his remedy for the release of the house as it was he who had filed objections under Section 5-A of the Act

(3) We have heard learned counsel for the parties and gone through the order dated 15.07.2016 passed by this Court in relation to the same acquisition in **CWP No.8124 of 2015 (Ajay Kumar & Ors. vs. State of Haryana & Ors.)** (P12). There the matter was remanded to the Land

construction was raised before or after section 4 notification as the claim for the release of existing structure is admissible only in respect of those constructions which were raised prior to issuance of Section 4 notification. Consequently and on the same analogy, the instant writ petition is disposed of with a direction to the Land Acquisition Collector, Rewari firstly to determine whether any construction was in existence before issuance of Section 4 notification, and if so, whether the house/acquired property deserves to be released in favour of the petitioner or the person with whom the agreement to sell has been entered into.

(4) Let an appropriate decision be taken after hearing all the parties within a period of four months from the date of receipt of certified copy of this order.

(Surya Kant)
Judge

29.01.2018
vishal shonkar

(Shekher Dhawan)
Judge

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

Yes
No