

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1. CWP-22390-2016  
Date of Decision: January 17, 2018

Ram Parshad  
.....Petitioner  
Versus  
State of Haryana and others  
.....Respondents

2. CWP-12066-2016  
Dariya Singh  
.....Petitioner  
Versus  
State of Haryana and others  
.....Respondents

3. CWP-15350-2016  
Ram Parshad  
.....Petitioner  
Versus  
State of Haryana and others  
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SHEKHER DHAWAN

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|----|-----------------------------------------------------------------------|---------|
| 1. | To be referred to the Reporters or not?                               | Yes/No  |
| 2. | Whether the judgment should be reported in the Digest?                | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No  |

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Present: Mr.Arun Luthra, Advocate and  
Mr.Anil Rathee, Advocates  
for the petitioners.  
  
Mr.Ankur Mittal, Addl.A.G.Haryana with  
Mr.Manoj Dhankhar, AAG and Mr.Shivendra Swaroop, AAG,  
Haryana.

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**SURYA KANT, J.**

This order shall dispose of CWP Nos.22390, 12066 and 15350 of 2016, as all the writ petitions contain challenge to the orders vide which claim of the petitioners for release of their residential houses/other structures from acquisition carried out vide Notifications dated 17.11.1989 and 16.11.1990 issued under Sections 4&6 of the Land Acquisition Act, 1894 respectively (for brevity,'the 1894 Act') followed by Award dated 11.11.1992 qua their land situated within the revenue estate of Gohana, District Sonapat, has been declined.

[2] The petitioners place reliance on a decision of this Court passed in CWP No.18980 of 2016 decided on 01.12.2016 to urge that where construction was raised before initiation of acquisition process, the same deserves to be exempted from acquisition in terms of the Government Policy. It is further contended that acquisition has been made for the development of a Residential-cum- Commercial Sector and the acquired land has already been put to same very use by the petitioners.

[3] Learned Additional Advocate General, Haryana, on the other hand, vehemently opposes the petitioners' prayer as according to him the release of petitioners' property in terms of the Government Policy would affect planning of Sector 7, Urban Estate, Gohana. It is explained in CWP No.22390-2016 that the acquired land is to be utilised for construction of one 10 mtr. wide road, one 12 mtr. wide road and to develop 6 marla residential plots. In CWP No.12066 of 2016, the acquired land is to be utilised for the purpose of 10 mtr wide road and to develop plots of 6 Marla

in size.

[4] Learned counsel for the petitioners very fairly submit that they have no objection to the extent of utilisation of their land for the construction of above-mentioned roads for which they will not even claim any compensation provided that the remaining land which will not affect the development of residential sector, is released. They further undertake that the released land shall be utilised for the same purpose for which the urban area has been developed by HUDA. They also undertake to pay the development charges as may be assessed by the prescribed Authority.

[5] As far as CWP No.15350 of 2016 is concerned, the total acquired land was 07 Marla only out of which 04 Marla land, where a residential house is in existence, has already been released. Only a small piece of land measuring 03 Marla which the petitioner is using as open Court yard, is under acquisition. We have seen the layout plan of Sector 7, Gohana. In our considered view that small piece of land cannot be utilised for any public purpose.

[6] Keeping in view the fact that the petitioners had constructed their residential house/ structures well before finalisation of the acquisition process and the land has also been acquired for that very purpose for which it is under use by the petitioners, coupled with the fact that the petitioners do not want to claim any compensation for the land which is utilised or to be utilised for the construction of sector roads, we allow these writ petitions and quash the impugned acquisition qua the land which is not needed for construction of 10 mtr. or 12 mtr. wide roads. The 3 Marla plot in CWP

No.15350 of 2016 is also ordered to be released from acquisition as that small piece of land would serve no public purpose. The petitioners, however, shall be liable to pay the development charges and raise/modify the construction in conformity with the layout plan of Sector 7, Gohana. If the petitioners have received any compensation amount, the same shall be refunded alongwith interest at the statutory rate within a period of three months.

**( SURYA KANT )**  
**JUDGE**

**January 17, 2018**  
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**( SHEKHER DHAWAN )**  
**JUDGE**

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|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ?        | Yes/No |