

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26740-2016(O&M)

Date of decision : 23.01.2018

Budh Ram and others

..... Petitioners

versus

State of Haryana and others

..... Respondents

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

Present: Mr. Pawan Gaur, Advocate for the petitioners.

Mr.Ankur Mittal, Addl.AG Haryana with
Mr.Manoj Dhankhar, AAG, Haryana.

SURYA KANT, J. (Oral)

The petitioners seek quashing of Award No. 19 dated 06.12.1995 to the extent of acquisition of small parcels of lands where they have constructed their residential houses. Those houses are stated to be in an approved colony known as Dukariya Mohalla at Palwal. The petitioners' residential houses were put under acquisition by State of Haryana for the purpose of development of Sectors 1 and 2 at Palwal.

The question which thus arises for consideration is whether the residential houses deserve to be exempted from acquisition as per the Government policy. In this regard we find that the matter is squarely covered by an order dated 15.07.2014 passed by this Court in CWP No. 13439 of 2014, Ram Chand and others v. State of Haryana and another(Annexure P-17) where it was directed that let a fresh survey be

conducted and if it is found that the residential houses were constructed before the issuance of notification under Section 4 of the Land Acquisition Act, 1894, let such houses be released from acquisition as per the Government policy duly approved by the Hon'ble Supreme Court in Patasi Devi v. State of Haryana and others, (2012)9 SCC 503. A similar order was passed on January 16, 2014 in CWP No. 685 of 2014, Smt. Resham v. State of Haryana and another(Annexure P-18) as well. The claim of the petitioners for the release of their houses, therefore, deserves to be considered in the light of the directions issued in the above cited two decisions of this Court. Let the appropriate decision be taken within a period of four months.

Till then status quo regarding possession or further construction shall be maintained by both the parties.

Petition stands disposed of accordingly.

(SURYA KANT)
JUDGE

(SHEKHER DHAWAN)
JUDGE

January 23, 2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No