

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

**CWP No.4344 of 2016 (O&M)
Date of Decision.03.10.2018**

Bijender Singh and others

...Petitioners

Vs

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Abhilaksh Grover, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Manoj Dhankhar, AAG, Haryana.

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AMIT RAWAL J.

Indulgence of this Court had been sought at the behest of petitioners for quashing of notifications dated 30.06.2011 (Annexure P-1) & 29.6.2012 (Annexure P-2) issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short '1894 Act') respectively and award dated 09.02.2016 passed by the Collector under Section 11 of 1894 Act on the premise that petitioners were co-sharers of land comprised in Khasra No.77//11, 12 of village Sampla, Hadbast No.36, Tehsil Sampla, District Rohtak.

Details of purchase of land vide various sale deeds and mutation thereof have been referred to in the writ petition. As per the averments, petitioner No.1 is stated to have raised construction of residential house whereas petitioners No.2, 3, 5, 6 and 7, after purchase of land, had either constructed the boundary wall or raised construction upto DPC level, thus, in these circumstances, sought release of the land.

Upon notice, respondents objected to the writ petition on the premise that only petitioners No.1 & 7 filed objection under Section 5-A of the 1894 Act but had given incorrect khasra numbers. Petitioner No.1 submitted objections qua Khasra No.207//12 whereas petitioner No.7 qua Khasra No.219//12, both were not acquired by the Department. The Land Acquisition Collector, after taking certain reports, decided to exclude the land having construction before promulgation of notification under Section 4 i.e. measuring 0.17 acres including the area measuring 2.76 acres regarding which CLU was granted. Rest of the land was stated to be vacant.

Learned counsel appearing on behalf of the petitioners submitted that since construction has been raised, the Land Acquisition Collector did not consider the objections in the correct perspective, therefore, acquisition in respect of land referred to above is wholly illegal and arbitrary.

We are afraid that the aforementioned argument raised by counsel for the petitioners has no force, for, the stand taken by respondents is that even objections were not submitted in respect of correct khasra numbers. As per their own averments, except petitioner No.1 whose construction was also a fresh one, which is evident from the electricity bill of 2011 as no other material prior to promulgation of notification under Section 4 of the 1894 Act has been placed on record, all other petitioners raised construction upto DPC level, thus, a distorted picture has been presented to this Court for release of the land on the premise that land subject matter of acquisition was under construction, which is factually incorrect.

Keeping in view the aforementioned facts, we do not find any ground is made out for interference by this Court under Article 226/227 of the Constitution. The writ petition is dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 03, 2018

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No