

CWP No.5961 of 2015 (O&M)

210

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

CWP No.5961 of 2015 (O&M)

Date of decision : 18.09.2018

Devender Singh and others

... Petitioners

Versus

The Chief Secretary, Government of Haryana and others

... Respondents

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

Present: Mr. Sushil Kumar Sharma, Advocate for
Mr. M.L. Sharma, Advocate
for the petitioners in CWP No.5961 of 2015.

Mr. Randeep Singh, Advocate for
Mr. Sushil Jain, Advocate
for the petitioners in CWP Nos.26073 of 2015 & 5232 of 2016.

Mr. Ravi Nayak, Advocate,
for the petitioners in CWP No.26347 of 2016.

Mr. Manoj Dhankhar, AAG, Haryana.

Mr. Amar Vivek, Advocate
for HSIIDC in CWP Nos.5961 & 26073 of 2015.

Mr. Ankur Mittal, Advocate
for HSIIDC in CWP Nos.5232 & 26347 of 2016.

Mr. Amit Jain, Advocate
for respondent No.9 in CWP No.5961 of 2015.

Mr. Akshay Bansal, Advocate
for respondent No.10 in CWP No.5961 of 2015.

Mr. Akashdeep Singh, Advocate
for respondent No.4 in CWP No.26073 of 2014.

RAJESH BINDAL, J.

This order will dispose of four writ petitions bearing CWP
Nos.5961 & 26073 of 2015 and 5232 & 26347 of 2016 as common issue is

CWP No.5961 of 2015 (O&M)

involved.

The facts have been noticed from CWP No.5961 of 2015.

Prayer made in the present writ petition is for a direction to the Haryana State Industrial and Infrastructure Development Corporation Limited (in short 'HSIIDC') to take steps to give employment to at least one member of the family, whose land had been acquired for setting up of Special Economic Zone (in short 'SEZ') in view of the Memorandum of Understanding dated 19.06.2006 between HSIIDC and M/s Reliance Haryana SEZ Ltd. (in short 'Reliance'). To claim the relief, Policy No.48/49/2006-41B1 dated 04.05.2006 has been referred to.

In the affidavit of the Chief Secretary, Haryana, dated 10.12.2006, filed on behalf of the Sate, the following stand has been taken:-

"13. That the Govt. considered further that since as per the R&R Policy dated 7th December, 2007, the persons, whose land is acquired by the Government and as a part of the R&R Policy, were entitled to certain benefits, the Government is committed to provide these benefits to the petitioners herein, which included the following:-

- Annuity for a period of 33 years;
- Allotment of plots in lieu of the acquired land as detailed under:-

In case where only land is acquired:

Land/Area acquired (each allotment)	Size of residential Plot to be allotted
100 to 500 sq. yard	3 marla
501 to 1000 sq. yard	4 marla
1001 to ½ acre	6 marla
Above ½ acre to ¾ acre	8 marla
Above ¾ acre to 1 acre	10 marla
1 acre & above	14 marla

OR

In case of acquisition of constructed residential structures:

Size of residential house acquired	Size of residential plot to be allotted
Upto 100 sq. yard	50 sq. yards
Above 100 sq. yard and upto 200 sq. yard	100 sq. yards
Above 200 sq. yard and upto 300 sq. yard	150 sq. yards
Above 300 sq. yard and upto 400 sq. yard	200 sq. yards
Above 400 sq. yard and upto 500 sq. yard	250 sq. yards
Above 500 sq. yard	350 sq. yards

14. That the Govt. has further deliberated and considered that upon return of the land by RHSL, the subject land of the petitioners is now proposed to be utilized by HSIIDC for setting up of a 'Global City Project' jointly with the DMICDC/DMIC Trust (entities of the Government of India for implementing the prestigious Delhi Mumbai Industrial Corridor Project) through a Special Purpose Vehicle (SPV) by way of Public Private Participation [PPP] Model. An SPV namely DMIC Haryana Global City Project Ltd. has also been constituted with 50:50 participation between HSIIDC and DMICDC Trust.

15. That the Govt. has considered that since the acquired land had been decided to be transferred for development of SEZ, the policy dated 04.05.2006 became applicable qua the developer and the employment was provided by the developer in terms of the said policy, as such, if the subject land is to be developed jointly by SPV of HSIIDC and DMICDC in PPP mode, in that case the SPV will be mandated to arrange to provide employment to the present petitioners in terms of policy dated 04.05.2006. The Committee noted that there is limited scope of providing employment in Government/its

CWP No.5961 of 2015 (O&M)

Agencies where the recruitment is carried out as per specified rules and regulations and subject to minimum educational qualification and also wherein full transparency is being observed in terms of selecting individuals for public employment. These recommendations of the committee have further been approved by the Chief Minister, Haryana, that if the subject land is to be developed in PPP mode by the SPV, then the SPV will be mandated to arrange to provide employment to the present petitioners in terms of policy dated 04.05.2006.

16. That however, in case the land is finally developed by HSIIDC, the terms & conditions mentioned in policy dated 4th May 2006 would not be applicable and in such an event, the conditions mentioned in the applicable Rehabilitation and Resettlement (R&R) Policy of the Haryana State Government would be adhered to in case of the petitioners, and they would be admitted to the benefits of the R and R. Thus as on today, the petitioners would either be given the benefit of the Policy dated 4-5-2006, in the event of land is developed jointly by HSIIDC and DMICDC or that of the R and R Policy of the State, if recourse to any other model is resorted to.

17. That the Chief Minister has also decided that in case the aforesaid offer is not acceptable to the petitioners each of such of the petitioners would be given in lieu thereof, in addition to the benefits of the R and R Policy, a sum of ₹ 2.50 Lacs each by the State Govt.

18. That in addition, the Govt. has also decided that in due compliance of the directions of this Hon'ble Court and also keeping in view the fact that at one point of time the petitioners had indeed been offered jobs/employment by the respondent No.9 as such the proposal to provide free of cost Skills Development Training to the petitioners/ their family members shall also be acted upon by the State Govt./HSIIDC and upon such concerted and systematic training, such petitioners/oustees

CWP No.5961 of 2015 (O&M)

shall be assisted to acquire skills such as of Electrician, Plumber, Refrigeration Mechanic, Foreman, Lathe Operator, Computer Operator, Carpenter, Painter, Mechanical skills, Stenographer, Office and Reception Management and so on, but also the Respondent Corporation would lend further sustained assistance by helping them to procure loans or in obtaining employment in the private sector and other undertakings. However, for such persons who are not able to secure Skills training, the Corporation would endeavor to create avenue for providing jobs to them with the Private Sector and other ventures so as to make sure that all such outsees of this project are rehabilitated in a time bound and systematic manner."

A perusal of contents of the aforesaid affidavit shows that the land, which had been acquired for SEZ, has now vested in HSIIDC, in view of abandonment of project by Reliance. The State had decided to give certain benefits keeping in view the project which is to be set up on the acquired land. The landowners shall be at liberty to exercise their option, once HSIIDC decides to develop the land or in the alternative, without waiting for that, the landowners are entitled to get compensation as stated in para 17 of the affidavit.

Keeping in view the aforesaid stand taken by learned counsel for the respondents, the present petitions are disposed of giving liberty to the petitioners to exercise their options in terms of the offer made. Needless to add here that in case the petitioners opt for payment of compensation, the amount shall be paid to them within four weeks of their exercising that option and in case no such option is exercised by the petitioners, the moment the acquired land is developed in the manner found suitable to HSIIDC, immediately, offer shall be made to all the landowners, whose land

CWP No.5961 of 2015 (O&M)

had been acquired, for exercise of option in terms of stand taken in the affidavit of the Chief Secretary, Haryana.

Writ Petitions are disposed of, accordingly.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

18.09.2018
Yogesh Sharma

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Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No