

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5809 of 2017.

Date of Decision: January 18, 2018

Ram Murti

.....Petitioner

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Jagdish Manchanda, Advocate, for the petitioner.
Mr.Ankur Mittal, Additional AG, Haryana.

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Surya Kant, J. (Oral)

The petitioner's grievance in the instant writ petition is for the release of a small piece of land measuring 1.41 marla which is part of Rect. No.16, Killa No.27/2/3, situated within the vicinity of Tirath Road, Pehowa which forms part of an acquisition carried out by the State of Haryana vide notifications dated 22.08.2001 and 25.01.2002 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, followed by Award dated 19.11.2003. The acquisition was made for the development of Sector-1, Pehowa. The petitioner submits that the acquisition qua his land has lapsed for the reason that neither compensation amount was paid to him nor it has been deposited with the Reference Court in accordance with law. Possession of the acquired land is also stated to be with the petitioner.

The respondents have filed their written statement which is taken on record. The factum of non-payment of compensation is not disputed though it is claimed that possession of the site was taken by HUDA.

We have seen the site-plan of Sector-1, Pehowa and find that

small piece of land owned by the petitioner is an isolated plot and does not

form part of compact chunk of land acquired for the said sector. Such small piece of land does not serve any public purpose of acquisition. Consequently and having regard to the statutory intentment behind Section 24(2) of the Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013, the writ petition is allowed and acquisition qua 1.41 marla land of the petitioner is declared to have lapsed under Section 24(2) of the 2013 Act.

(SURYA KANT)
JUDGE

January 18, 2018
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No