

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8823 of 2018.

Date of Decision: May 07, 2018

M/s Sindhu Farm Private Limited, Rohtak

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Ms.Anita Balyan, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The land of the petitioner-Company measuring 2 kanal 11 marla was acquired by the State of Haryana vide notifications dated 20.08.2007 and 24.12.2007 issued under Section 4 & 6 of the Land Acquisition Act, 1894, respectively. The acquisition was made for the public purpose of development of Sector 27-A & B part at Rohtak by the Haryana Urban Development Authority. The petitioner challenged the acquisition of its land by way of CWP No.5144 of 2008 which was dismissed by this Court on 23.02.2010 on the ground that the petitioner's land was required for maintaining 'green belt' falling within 30 meters of National Highway No.10.

It appears that some other land owners challenged the acquisition of their land which was acquired for the same public purpose but vide subsequent notifications. Those writ petitions were disposed of by this Court with a direction to the State Government to consider the release of their land in terms of the Government Policy. The petitioner has averred that pursuant to those directions issued by this Court in CWP No.12670 of 2012

(Raj Bala and others versus Union of India and others) and others

connected cases, decided on 14.03.2016, the land of similarly placed

persons has now been released. The petitioner thus claims parity and has made a representation dated 03.09.2016 for the release of its land primarily on the ground that due to release of land of other persons, no 'green belt' can be developed, hence, the very purpose of acquisition of its land stands frustrated.

Having heard learned counsel for the petitioner though we are of the view that the second writ petition on the same cause won't be maintainable but the petitioner's cause being based upon subsequent events, however, without expressing any views on merits of its claim especially whether or not the land of similarly placed persons has been released and if so, what is the effect on public purpose of acquisition, the instant writ petition is disposed of with a direction to the State of Haryana and Chief Administrator, Haryana Urban Development Authority-respondent No.2 to ascertain the correct facts and take a decision whether the petitioner's land deserves to be retained or it is be released as per Government Policy and on parity with the similarly placed persons. Let the appropriate decision be taken within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 07, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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