

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-893-2018

Date of Decision: January 18, 2018

Mahender Pal

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIL KSHETARPAL

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Lalit Singla, Advocate for the petitioner.

.....

SURYA KANT, J.

Notice of motion.

[2] On our asking, Mr.Ankur Mittal, Additional Advocate General, Haryana, alongwith Mr.Manoj Dhankhar, AAG, Haryana, who is present in Court, accepts notice on behalf of all the respondents. Let three sets of paper-book be handed over to him during the course of day. In view of the nature of the order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents.

[3] The grievance of the petitioner in the instant writ petition is against the Notifications dated 23.08.2007 and 21.08.2008 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for brevity,'the 1894 Act')

respectively as the entire covered area of his residential house has not been exempted/released from acquisition.

[4] The facts are like this.

[5] The land measuring 04k 04m comprising Khasra No.41//5 situated within the revenue estate of village Safidon, District Jind was acquired by State of Haryana for development of commercial and residential Sector 9 at Safidon. The above-mentioned khasra number was owned by petitioner's father. Objections were filed by the petitioner under Section 5A of the 1894 Act claiming that there exists a residential house with 'A' Class construction over a part of the acquired land which deserves to be released in terms of the Government Policy. The petitioner's objections were accepted in part and land measuring 0k 14m, where the residential house was constructed, was ordered to be released. However, it appears that due to an inadvertent mistake, the authorities have mentioned in the official record as if land measuring 04k 02m out of khasra No.41//5 has been acquired. In other words, they are showing the release of only 02 marla land instead of 14 marla land which was actually ordered to be released. We find some merit in the petitioner's contention.

[6] The writ petition is accordingly disposed of at this stage with a direction to the Land Acquisition Collector, Hisar and Estate Officer, HUDA, Jind as well as Tehsildar, Safidon to verify the record and if it is a fact that the petitioner's land measuring 14 marla was ordered to be released, let necessary correction in the revenue record be made within a period of three months from the date of receipt of a certified copy of this

order.

[7] A copy of this order be given to Mr. Ankur Mittal, learned Additional Advocate General, Haryana, for information and necessary compliance.

(SURYA KANT)
JUDGE

January 18, 2018
meenuss

(ANIL KSHETARPAL)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |