

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-10596-2019

Date of decision: 23.07.2019

SUNIL KUMAR AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Sharma, Advocate,
for the petitioners.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court impugning the notification of rate list dated 20.12.2018 (Annexure P-2) regarding Village Dhorka, Tehsil Harsaru, District Gurugram, whereby the Government of Haryana has fixed two different circle rates for registration of sale deed of the agriculture land on the minimum collector circle rates for area residential/commercial/industrial and institutional zone @₹2 crore per acre and for agriculture, open space and public utility as per master plan 2031 ₹1 crore 30 lacs per acre.

Counsel for the petitioners states that there are two different circle rates for a similar area which is not sustainable and, therefore, the Court should interfere in the said aspect. Assertion has also been made that

the petitioners have been approaching the respondents pointing out this aspect but without any result. Reliance has been placed upon the Division Bench judgment of this Court in **Harmail Singh vs. State of Punjab**, 2013 (2) PLR 234, to contend that the planning has been done by the administration and the land owner is left with no concern whatsoever except to seek compensation for his acquired land. It is for the State authorities to decide as to what would be the optimum use of acquired land in which land stands vested, free from all encumbrances and it can be utilized for one or other public purpose.

I have considered the submissions made by the learned counsel for the petitioners and with his assistance, have gone through the records of the case.

Assertion of the counsel for the petitioners is without any basis and cannot be accepted as nothing has been pointed out which would mandate the computation of the circle rates. It has also not been pointed out that how this aspect is required to be determined. There being devoid of any statutory mandate which requires the computation of the circle rates, as has been asserted by the petitioners, the claim of the petitioners is not based upon any right, enforcement of which is being sought in a writ petition.

As regards the grievance of the petitioners that the compensation amount was assessed at two different circle rates to be fixed by the competent authority, suffice it to say that onus would be on the claimants to establish the factum of wrong fixation of circle rates which may have been fixed by the collector on the basis of evidence to be produced. Therefore, this Court does not find any justification for interfering in this writ petition in exercise of its extraordinary jurisdiction.

As regards the reliance of the counsel for the petitioners on the Division Bench judgment of this Court in Harmail Singh's case (supra) is concerned, the same would not be of any help to the petitioners at this stage especially in the light of the fact that the land of the petitioners in that case, as yet, has not been acquired and the observations of this Court were in the context of the acquisition of the land. The facts and the context, in which such observations have been made, are not even relevant for the purpose of the present writ petition.

The writ petition being devoid of merit stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

July 23, 2019
pj

WHETHER SPEAKING/REASONED: *YES/NO*

WHETHER REPORTABLE : *YES/NO*