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IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRM-M No. 616 OF 2019(O&M)

Date of Decision: 11.01.2019

Deepak Jerath and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.Prithvesh, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure ('Cr.P.C' for short) seeking protection to the life and liberty of the petitioners at the hands of respondents no.5 to 10, who are trying to illegally demolish the structures and dwelling houses of the petitioners.

It is contended that the petitioners along with their families are in possession of the dwelling houses for the last 40 years and the respondents no.5 to 10 are trying to demolish the same for providing access to residential sectors no. 27, 28, 29, 30 and 31 Pinjore Distt. Panchkula from NH No.22. Further contends that no compensation has been awarded to the petitioners under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short' Act of 2013').

Heard learned counsel for the petitioners and perused the paper book.

Admittedly, a notification dated 27.08.2007 (P-1) was issued by the Govt. of Haryana, Urban Estate Department under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (for short 'the Act of 1894') regarding the acquisition of the land described in revenue Estate of village Rampur Seeyuri Hadbast Mankpur Nankchand Hadbast No. 119, Mankpur Thakardass Hadbast No.120, Lohgarh Hadbast No.121 and Dhamala Hadbast No.122 Tehsil Kalka Distt. Panchkula for public purpose, namely, access to residential Sectors no.27 to 31 Pinjore by way of a link road to be developed by the Haryana Urban Development Authority (for short 'HUDA'). Since the urgency clause was invoked for acquisition of the land in question, therefore, objections under Section 5-A of the Act of 1894 were not invited from the persons interested.

Paper book reveals that thereafter a declaration dated 28.08.2007 (P-2) under Sections 6 read with Section 17 of the Act of 1894 was made regarding the land in question and now the respondents are taking further action in the matter for construction of the proposed link road and the petitioners feel aggrieved.

During the course of hearing, nothing has been brought to the notice of this Court that petitioners are the owners of the land in question or that any challenge was made to the acquisition proceedings at their instance. Since the land was acquired under the provisions of the 1894 Act and that is a complete code itself, therefore, if at all the petitioners are aggrieved against the non payment of any compensation by the authorities concerned or there is any illegality in the acquisition proceedings then the remedy lies somewhere else and the present petition is not the proper course to be adopted in view of the facts and circumstances of the case. Since the authorities are proceeding in

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the matter according to the procedure established by law, therefore, and they are well within their powers to be exercised.

In view of the above, no ground to grant any protection in favour of the petitioners is made out while entertaining the present petition under Section 482 Cr.P.C.

Petition stands dismissed.

Needless to say that petitioners may take recourse to the remedy available under law, if so advised.

11.01.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No