

**CWP No.15826 of 2020 (O&M)
and other connected petitions**

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123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:06.10.2020

(1) **CWP No.15826 of 2020 (O&M)**

Sonu Kumar **...Petitioner**

Versus

State of Haryana and others **..Respondents**

(2) **CWP No.15836 of 2020 (O&M)**

Vinod Kumar **...Petitioner**

Versus

State of Haryana and others **..Respondents**

(3) **CWP No.15848 of 2020 (O&M)**

Kuldeep Singh **...Petitioner**

Versus

State of Haryana and others **..Respondents**

(4) CWP No.15855 of 2020 (O&M)

Rambhagat **...Petitioner**

Versus

State of Haryana and others **..Respondents**

(5) **CWP No.15876 of 2020 (O&M)**

Joginder **...Petitioner**

Versus

State of Haryana and others **..Respondents**

(6) CWP No.15886 of 2020 (O&M)

Suman Rani ...Petitioner

Versus

State of Haryana and others ..Respondents

(7) CWP No.15891 of 2020 (O&M)

Rajbir ...Petitioner

Versus

State of Haryana and others ..Respondents

(8) CWP No.15897 of 2020 (O&M)

Vikram ...Petitioner

Versus

State of Haryana and others ..Respondents

(9) CWP No.15901 of 2020 (O&M)

Vinod Kumar ...Petitioner

Versus

State of Haryana and others ..Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rohit Arya, DAG, Haryana.

**Mr. Satyapal Jain, Additional Solicitor General of India
with Ms. Alisha Arora, Advocate for the respondent-UOI.**

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari quashing the impugned order dated 26.06.2020 (Annexure P-11) passed by respondent No.3.

Learned counsel for the petitioner has drawn the attention of this Court to the Haryana Government Gazette notification dated 09.11.2020 notifying the revised policy for rehabilitation and resettlement of landowners. He has specifically laid emphasis on the following extracts from the said policy:-

“11. Benefits for the affected persons whose land is acquired for infrastructure projects other than those of HUDA, HSIIDC, and the HSAMB:-

i) xxx xxx xxx

(ii) In order to balance this situation and partially compensate the landowners in this category, it has been decided that wherever 75% or more land of a landowner in a revenue estate, subject to a minimum of two acres, is acquired for other infrastructure projects, and thereby impacting his sustenance to a considerable extent, one dependent of the land-owning family would be provided a job in the Government or its Boards/Corporations/State PSUs in Group ‘D’ and Group ‘C’ categories, subject to the incumbent fulfilling the qualifications prescribed for such posts;

xxx xxx xxx

iv) While processing applications for this purpose, the applicant would first be consider for grant of a job in the project for which the acquired land is used. In case of non availability of adequate number of suitable jobs in the project, the claim would be considered against vacancies available in the said department or its PSUs, failing which, the claim would be considered for employment in other departments/organizations of the Government;

v) In cases necessitating consideration of the applications for employment in the other Government Departments, the application receiving Department would forward such applications to the Financial Commissioner, Revenue & Disaster Management Department, along with a certificate that there are no vacancies in

the Project/Department/its PSUs so as to accommodate the applicants elsewhere. The office of FCR would compile all such applications and pass these on to the office of Chief Secretary for appropriate actions. Thereafter, the office of Chief Secretary would complete the process of employment;

xxx xxx xxx

19. Acquisition of Land for Railways/ NHAI/Other Central Government Ministries/Central PSUs;

i) This policy shall also be applicable for any land acquisition for the Central Government (including the Ministry of Defence)/its PSUs, the NHAI/Railways in the state of Haryana

and an undertaking to this effect would be obtained in advance from such indenting agencies before initiating any land acquisition proceedings. The amount of Annuity Policy will be charged upfront from such agencies in addition to the compensation paid to the landowners;

ii) In addition to the above, wherever land is acquired for any of the Central Government Ministries/their PSUs/NHAI/Railways by the State Government machinery, administrative charges @ Rs.1.00 Lakh/acre, as revised from time to time, would be charged from the concerned towards the administrative expenses involved in the entire exercise, inclusive of the expenses incurred on publication of the Notifications in the media/newspapers.”

Learned counsel for the petitioners has further argued that while deciding the representations of the petitioners on the direction of this Court, the Department has not considered the provisions of the aforesaid policy and wrongly and illegally held that the claim of the petitioners is not sustainable against the State of Haryana, as the land was acquired for the project set up by the Nuclear Power Corporation of India Limited (NPCIL).
Notice of motion.

At this stage, Mr. Rohit Arya, DAG, Haryana and Mr. Satya Pal Jain, Additional Solicitor General, India with Ms. Alisha Arora, Advocate for respondent No.6-UOI accept notice on behalf of respondents.

There is no denying the fact that the land of the petitioners had been acquired by the NPCIL, a Central Government entity through

Government of Haryana, when notifications under Sections 4, 6 and 7 of the Land Acquisition Act, 1894 were published on 29.07.2010, 25.07.2011 and 29.11.2011 by the Power Department, Government of Haryana. From the said factual position, it is clear that the land had been acquired with due approval and consent of the Government of Haryana.

The learned State Counsel could not point out as to whether the Secretary (Power), Government of Haryana was justified in rejecting the claim of the petitioners on mere technicalities.

However, at this stage, learned counsel for the parties are ad-
idem that the present writ petitions may be disposed of with a direction to the Additional Chief Secretary, Government of Haryana Power Department-respondent No.3 to reconsider the claim of the petitioners by treating the present writ petition(s) as a representation(s) and decide the same within 3 months from the date of receipt of a certified copy of this order, by passing a speaking order and after giving due opportunity of hearing to the petitioners, in accordance with law.

Ordered accordingly.

**(HARNARESH SINGH GILL)
JUDGE**

October 06, 2020

Jyoti-IV

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