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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14944-2018

DECIDED ON: 13th October, 2020

RAJINDER KUMAR DHINGRA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: JUSTICE S.MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. N.C. Kinra, Advocate for the Petitioners.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana for
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. This is the second round of litigation questioning the land acquisition proceedings that commenced with the issuance of a notification dated 2nd March, 1993 under Section 4 of the Land Acquisition Act, 1894 ('LAA'), followed by a notification dated 1st March, 1994 under Section 6 of the LAA and culminated with an Award dated 28th February, 1996, whereby the land, stated to be owned and in possession of the Petitioners, was acquired.

2. Earlier the Petitioners had filed CWP-1192-2015 (*Rajinder Kumar Dhingra and another vs. State of Haryana*) questioning the acquisition proceedings, which came to be disposed of by a Division Bench of this Court on 14th July, 2015. While not interfering with the acquisition proceedings, certain directions were issued in para 4 of the order, which reads as under:-

“4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of two months from today, the same shall be

decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to them within a period of four months from the date of receipt of representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority. Till the matter is decided by the said authority, status quo shall be maintained by the parties. It is, however, made clear that in case no such representation is filed within the stipulated period as noticed above, the interim order shall cease to operate, thereafter”

3. Pursuant to aforesaid order of this Court, representations were made by the Petitioners. The representations of the Petitioners were taken up and rejected by a speaking order dated 23rd June, 2017 of the Respondent No. 4/Zonal Administrator, HUDA-cum-Additional Director, Urban Estate, Rohtak.

4. From the impugned order it is seen that a report in relation to the Petitioners' land was called for from the Zonal Committee and examined by the Respondent No. 4. The relevant portion of the report reads as under:

“The land of the petitioner 02 Kanal-13 Marla is part of award announced on 28.2.1996 for 222.76 acre for development of sector 24, Residential, Commercial and Industrial, Panipat. The land was vacant at the time of section (4). But at present there is construction at site. The petitioner has taken the award amount of 18 marla out of (02 Kanal-13 Marla) award amount. Whereas total 92.98% award has been disbursed to the land owners. Possession of the petitioner land was handed over the Estate Officer, Panipat vide rapat No. 339 dated 28.2.1996. The site affects the planning of nursing home and 30 mts surrounded by thickly built up area adjoining Sanuli road near Malik petrol pump. The representation of the same site in the name of Sh. Ravinder Jain and others Vs. State of Haryana has already been rejected for the same site as per decision taken by Director Urban Estate, Haryana Panchkula memo No. 13850 dated 21.12.2012 and memo no. 6483-90 dated 27.3.2013. No development has been carried out on the land of petitioner and the land under dispute/litigation. Rest of the land under the award is developed. The land of the petitioner affects nursing home site which is un-allotted at present. 3 party right has been created on the remaining land of this award except land under dispute/litigation. The JSIC discussed on the above facts and the site conditions. As the site of the petitioner affects green belt, 10 mts. wide road and nursing home site. Therefore, the site is not recommended for release.”

5. Mr. N.C. Kinra, learned Counsel for the Petitioners states that the Petitioners were neither given a hearing nor afforded an opportunity to lead any evidence, before the impugned order rejecting their representation came to be passed.

6. The Court is of the view that it cannot examine the above contention as it raises disputed questions of fact. Moreover, the fact remains that the Zonal Committee's report, based on which the impugned order was passed by Respondent No. 4, contains detailed reasons for not recommending release of the Petitioner's lands.

7. The court is not satisfied that any grounds have been made out for granting any of the prayers in the present petition. Accordingly, the writ petition is dismissed. The status quo order, if any, hereby stands vacated.

(S. MURALIDHAR)

JUDGE

(AVNEESH JHINGAN)

JUDGE

13th October, 2020

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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No