

**107 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-12418-CWP-2020 in/and
CWP No. 30848 of 2019 (O&M)
Date of Decision: 24.11.2020**

Satyajit Ghosh

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Amar Pratap Singh, Advocate
for the petitioner.

Mr. Raman Sharma, Additional Advocate General, Haryana.

SANT PARKASH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

CM-12418-CWP-2020

This is an application for placing on record copy of judgment dated 11.11.2020 rendered in CWP No. 27945 of 2019 and disposal of the main case in terms of the same.

Application is allowed. Copy of the aforesaid judgment is taken on record as Annexure P-19.

CWP No. 30848 of 2019

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing notification dated 04.04.1998 (Annexure P-1) under Section 4 of Land Acquisition Act, 1894 (for short 'LAC Act'), declaration dated 06.04.1998 (Annexure P-2) issued under Section 6 of the LAC Act and

award dated 15.07.1999 (Annexure P-4) passed by respondent No. 2-Land Acquisition Collector, Gurugram, as the same is lapsed in view of non deposit of compensation under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act').

The petitioner purchased a plot measuring 62 square yards comprised in Khewat No. 171, Khasra No. 643 situated within the revenue estate of Village Basai, Tehsil Kadipur, District Gurugram, vide sale deed bearing Vasika No. 17270 dated 20.03.1998. The said land stood acquired vide impugned notification dated 04.04.1998; declaration under Section 6 was issued on 06.04.1998 and award was passed on 15.07.1999 by respondent No. 2. Petitioner did not accept the compensation.

Petitioner filed a civil suit for declaration against the Land Acquisition Collector, Gurugram on 26.03.2018 and an interim injunction was passed in favour of the petitioner vide order dated 10.05.2018, restraining the respondents from taking any further action. However, the injunction application was finally dismissed vide order dated 12.11.2018 (Annexure P-11) by the Civil Judge (Junior Division), Gurugram. Demolition drive was carried out against the petitioner and the house of the petitioner was demolished. Petitioner withdrew the suit for declaration in order to pursue his case before this Court. As on date, the petitioner has not received or taken any compensation for the acquisition. Respondents had taken the forcible possession of his land on 25.12.2018. As such, the

petitioner pleaded that he is entitled to benefit of Section 24(2) of 2013 Act and notification under Section 4 along with declaration under Section 6 and award dated 15.07.1999 stand lapsed and should be quashed. Consequently, the land is liable to be returned to the petitioner along with adequate compensation for repair, renovation and construction of the demolished house.

It is the contention of the learned counsel for the petitioner that in similar circumstance, this Court, vide judgment dated 11.11.2020 (Annexure P-19) passed in **CWP No. 27945 of 2019 titled Geeta Sharma Versus State of Haryana and others** has directed the respondents to consider the request of the petitioner for allotment of an alternate plot in the event the petitioner is considered as an oustee as per the Rehabilitation and Resettlement Schemes. Consequently, the petitioner prays for withdrawal of the instant writ petition with liberty to seek the remedy of allotment of an alternate plot in the event the petitioner is considered as an oustee under the scheme.

Dismissed as withdrawn with liberty as prayed for by the petitioner.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

24.11.2020
Avin/Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No