

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

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CWP-17639-2021 (O&M)

Date of decision: 08.09.2021

CHANDER SINGH

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay K. Dahiya, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on

account of restricted functioning of the Courts.

Through this writ petition, the petitioner prays for the following

substantive reliefs:-

- i. A writ petition of mandamus directing the respondents to pass fresh award/determine the compensation of 3000 sq. meters which has been utilized/acquired by the respondents by keeping in view, the nature of the size of the area of the acquisition.
- ii. To make the payment of the compensation of the acquired area in terms of order dated 11.09.2014 (Annexure P3) passed in CWP No.15348 of 2014 and various order passed by the Hon'ble contempt court;
- iii. To correct and update the revenue entries qua the land of the petitioners in compliance with the order dated 28.11.2016, passed in COCP No.693 of 2015 (Annexure P4);
- iv. To award adequate damages qua the acquired land and released land of the petitioners;
- v. to decide the representation dated 22.07.2020 (Annexure P7) made by the petitioners;

The petitioner claims to be the owner of 3000 sq. meter of plot

which is alleged to have been utilised for sector dividing road by the Haryana

Shehri Vikas Pradhikaran, Panchkula. There was a proposal from the Haryana Shehri Vikas Pradhikaran to the petitioner to exchange the land which he did not accept. Thereafter, efforts were made to acquire the land by issuing notification under Section 4 on 18.10.2002 and consequently, the aforesaid land was acquired. The petitioner filed CWP No.15348 of 2014 for re-determining the amount of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The aforesaid writ petition was disposed of as infructuous in view of the stand taken by the respondents. The petitioner filed COCP No.667 of 2015 in which the respondent filed an affidavit to the effect that decision has been taken to release the land.

Accordingly, the contempt petition was disposed of on 28.11.2016 with the following order:-

“In compliance with the order dated 30.08.2016, affidavit of Vikas Gupta, Director, Urban Estates Department, Haryana, Panchkula, has been filed in Court which is taken on record. Copy has been supplied to counsel for the petitioners.

In the light of the said affidavit and modalities as has been laid down in the letter dated 25.11.2016 with regard to the release of land, these contempt petitions have been rendered infructuous.

Disposed of as such.

Petitioners may avail of their remedy in accordance with law.

Rule issued to the respondent stands discharged.”

The petitioner complains that the respondents have not handed

over the vacant possession of the land. Learned counsel for the petitioner

admits that the petitioner is required to refund the amount which has not been refunded. In essence, the petitioner prays for the possession of the land.

At this stage, this Bench is compelled to make certain observations with regard to drafting of the writ petition. In the writ petition, the petitioner has failed to disclose material particulars or the proper facts of the case. There is no clarity about the extent of amount already received by the petitioner pursuant to the award passed on 05.09.2005. Furthermore, in the writ petition, the paras have been put in a haphazard manner. After para 9, once again, the pleadings start from paras 2, 3, 4, 5, 6, 7, 8, 9 and 10. Moreover, at the time of hearing, when learned counsel was requested to disclose the material facts, he expressed his helplessness on the ground that he does not possess the copy of the writ petition. On reading of Annexure P5, it is apparent that the learned Additional Chief Secretary to the Govt. of Haryana, Urban Estate, gave a proposal on 25.11.2016 that the petitioner shall be required to pay the amount of compensation accepted by him for the acquired land along with interest @ 12% per annum as a condition precedent for the release of the land. Learned counsel for the petitioner has admitted that the aforesaid amount has never been returned. Therefore, no ground to grant the reliefs, as claimed, is made out.

Hence, dismissed.

All the pending miscellaneous application(s), if any, are also

disposed of.

08.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE