

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

CWP-29548-2017 (O&M)

Date of decision: 10.12.2021

Hansraj Ganda and others

...Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Aggarwal, Sr. Advocate with
 Mr. Kartik Gupta, Advocate for the petitioners
 Mr. Samarth Sagar, Addl. AG, Haryana
 Mr. Pritam S Saini, Advocate for HSIIDC

ANIL KSHETARPAL, J (Oral)

Through this writ petition, the petitioners pray for issuance of a writ in the nature of Certiorari to quash the order dated 11.09.2017 passed by respondent no.2.

Some facts are required to be noticed. The petitioners claim that they purchased a land measuring 128 kanals and 2 marlas from Galaxy Power Cable Limited vide a sale deed dated 15.06.1994. The State of Haryana in order to utilize the land, for developing an industrial estate issued a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to 'the 1894 Act') on 13.05.2010 and the award under Section 11 of the 1894 Act was passed on 10.05.2013. The petitioner filed CWP 15829 of 2013, challenging the compulsory acquisition of the land. The Division Bench vide an order dated 21.08.2013 dismissed the writ petition with the following observations:

“In these circumstances, no case to interfere with the impugned acquisition, particularly, when the petitioners have not alleged violation of any mandatory procedure contemplated under the Act, is

called for by this Court. The petitioners, if so advised, may pursue their remedy with the administrative authorities.”

With liberty aforementioned, the writ petition is dismissed.”

The petitioners are stated to have sent a representation to the committee, constituted by the State Government, for considering a request for release of the land from the compulsory acquisition.

The petitioners also filed CWP-17672-2017 which was dismissed as withdrawn as by that time the order in question was passed.

Learned senior counsel representing the petitioners contend that the petitioners have submitted a representation for release of land from compulsory acquisition on the following two grounds:-

(i) for entitlement, to release the land under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and (ii) on the ground that the remaining land of the vendor of the petitioners has been released. He submits that the Managing Director while passing the order has not considered the second ground.

Per contra, Mr. Saini learned counsel representing HSIIDC has contended that the validity of the Act has already been upheld by the Division Bench and there is no substance in the present petition.

A Division Bench of this Court has granted liberty to the petitioners to pursue their remedies with the Administrative authorities. In view thereof, the concerned authority was atleast required to consider the request of the petitioners.

Keeping in view the aforesaid facts, the petitioners are

directed to appear before the concerned authority i.e the Managing Director, HSIIDC, on 15.12.2021 at 10:00 am at his office. The Committee will consider the request submitted by the petitioners and pass appropriate orders, within three days, thereafter.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

10.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE