

**120 & 121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-3114-2022 (O&M)

M/s Curewel (India) Limited

....Petitioner

Versus

State of Haryana and others

..Respondents

2.CWP-3135-2022 (O&M)

Ashok Garg and another

....Petitioners

Versus

State of Haryana and others

..Respondents

Date of decision: 18.02.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suman Jain, Advocate for the petitioners
in both the petitions
Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

By this order, two Civil Writ petitions i.e CWP-3114-2022 and CWP-3135-2022 shall stand disposed of.

The petitioners, in both the writ petitions, pray for issuance of a writ in the nature of Mandamus to direct the respondents to pay 100% solatium as per Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act') on market value of Rs.58,000/- per square yard. The petitioners further pray for payment of interest as per Section 80 of 2013 Act.

The petitioners claim that some part of their industrial plot have been utilized by the respondents for metro railways. It has been asserted that the respondents have not acquired land in accordance with the provisions of 2013 Act.

Notice of motion.

At the request of the Court, Mr. Samarth Sagar, Addl. AG, Haryana, accepts notice for the State of Haryana. He, on instructions from Sh.Sudeep, Assistant District Attorney, LAO, Urban Estates Faridabad (Additional charge of office of Administrator HSVP, Faridabad, has brought to the notice of the Court the order passed in CWP-12118-2019 and another connected cases (**Gajey Singh through L.Rs and another vs. State of Haryana and others**) decided on 06.09.2021, which reads as under:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this order, CWP-12118-2019, CWP-15879-2018, CWP-16253-2018, CWP-34380-2019, CWP-36627-2019, CWP-12570-2020, CWP-16242-2018 and COCP-353-2021 shall stand disposed of.

The petitioners pray for issuance of a writ in the nature of the mandamus directing the respondents to acquire their land and pay compensation accordingly in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is alleged that some part of the petitioner's land has been has been utilized for constructing metro line/railway station.

An additional affidavit of Administrator, HSVP, Faridabad, has been filed while taking a stand that wherever the land has been utilized for metro project without acquisition, the Chief Administrator, HSVP-cum-MD, HMRTC, has approved the payment as per the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Para 4 of the affidavit reads as under:-

“That in the present case alongwith other connected matters where land has been utilized for metro project without acquisition, it has been informed by Advisor (Planning), Haryana Mass Rapid Transport Corporation Limited vide its letter dated 03.09.2021 that Chief Administrator, HSVPcum- Managing Director, HMRTC has approved the payment to be done as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to the land owners whose land has been utilized for the construction of metro. Further, it has been requested vide letter dated 03.09.2021 to release the funds to the land owners whose court cases are listed for hearing on 06.09.2021 in first go. Thereafter, the payment of other land owners may also be made by giving priority to the matters under litigation. Thus, the whole process to make the compensation has to be initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. A decision to this effect has been taken and the process will be initiated soon.

A copy of letter dated 03.09.2021 is annexed herewith as Annexure-A.”

Sh. Deepak Sabharwal, Additional Advocate General, Haryana, has undertaken that the payment shall be released to the petitioners within a period of six months from today.

Sh. Amit Jhanji, Sr. Advocate representing the petitioners submit that in view of the aforesaid stand, the writ petitions be disposed of.

Ordered accordingly.

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

Sh. Sagar, on instructions, further submits that he has no objection if the writ petitions are disposed of in terms of the order dated 06.09.2021, extracted above.

Learned counsel representing the petitioners has no objection thereto.

In view of the consensus arrived at, the writ petitions are disposed of in terms of the order dated 06.09.2021 passed in CWP-12118-2019.

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

18.02.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE