

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

CWP-3548-2022

Date of decision: 17.05.2022

Lovkesh Chander and others

...Petitioners

Vs.

The State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Adarsh Jain, Advocate,
for petitioners.

Mr. Saurabh Mago, AAG, Haryana.

Mr. Ankur Mittal, Advocate,
and Ms. Kushaldeep Kaur, Advocate,
for respondent No.3.

Ritu Bahri, J. (Oral)

Petitioners are seeking quashing of the notifications dated 14.08.2008 and 01.03.2012 (Annexures P-2 and P-12) issued under Sections 4 and 6 of the Land Acquisition Act, 1894, whereby their land situated within the revenue estate of village Bhatola, Tehsil & District, Faridabad has been acquired for development and its utilization for Master Plan Roads of Sector 75-89 as per the Development Plan of Faridabad.

Earlier, the petitioners had approached this Court by filing CWP No.25874 of 2012, whereby they challenged the same notifications. Said petition was disposed of vide order dated 21.10.2013 (Annexure P-13) by observing that since the petitioners were to be displaced from a residential house, the respondents have to allot residential plot to them in a nearby developed urban sector of Faridabad and only then, they could be dispossessed

from their house. They were to be considered under the Rehabilitation Policy dated 09.11.2010.

After disposal of the aforesaid writ petition, the petitioners filed a review application i.e. RA-6-CW-2014, which was disposed of vide order dated 24.01.2014 (Annexure P-15) by giving a clarificatory direction to the State authorities to consider the proposal of the petitioners and if, the authorities were of the view that houses of the petitioners could be saved by giving a curve in the road without compromising with the public interest and in that backdrop, order dated 21.10.2013 was modified.

Grievance of the petitioners is that pursuant to the order dated 24.01.2014 (Annexure P-15), their case for release of land by giving a curve in the road, was not considered by the respondent authorities. With regard to their grievance, petitioner made a representation dated 01.02.2014, followed by letter dated 05.03.2014 (Annexure P-17), but to no avail. However, vide letter dated 27.12.2021 (Annexure P-25), Estate Officer, HSVP, Faridabad, advised petitioner No.1 to apply for allotment of plot under oustees category as per HSVP policy dated 09.10.2010 along with earnest money of Rs.50,000/-, failing which the department would be at liberty to take appropriate legal action.

When this case was taken up on 24.02.2022, learned State counsel had sought time to verify, as to how the order dated 24.01.2014 (Annexure P-15) had been complied with. On 04.04.2022, learned State counsel, on instructions from the Administrator, HSVP, Faridabad, informed that realignment of the road was not feasible and case of the petitioners for allotment, as per prevalent rehabilitation policy had been referred to the Chief Administrator, HSVP, for approval and this process would take sometime.

A short reply dated 06/07.05.2022 by way of affidavit of Mr.

Amit Kumar, Estate Officer, HSVP, Faridabad, has been filed, wherein it is stated that in compliance with the order dated 24.01.2014 and representations of the petitioners (Annexures P-16, P-17 and P-18), a report from the Executive Engineer, HSVP, Division No.3, was sought, who vide report dated 25.05.2016 (Annexure R-1), gave his opinion that curve at the land in dispute is not feasible keeping in view the design speed & availability of land at particular location as per IRC-86-1983 guidelines and observed that sharp curve would be hazardous for the traffic movement. It would make the area prone to accidents. It is further stated that the District Town Planner, Faridabad, has reported that if, the road is to be realigned saving the land of the present petitioners beyond acquired land, then it will involve fresh acquisition proceedings at the public cost. Hence, as per report dated 04.01.2021 (Annexure R-2) given by the Executive Engineer, HSVP, Division No.3, Faridabad, realignment of the road is not feasible. Photographs depicting the actual position on ground are placed on record as Annexure R-3.

A perusal of the photographs (Annexure R-3) shows that land of the petitioners falls in the curve of road. Moreover, as per reports dated 25.05.2016 and 04.01.2021 (Annexures R-1 and R-2), it will not be in the public interest to release the land in question from acquisition keeping in view IRC-86-1983 guidelines and because of the traffic movement, the area could be prone to the accident. As per the aforesaid report, if the road is to be realigned, then it will involve fresh acquisition proceedings at the public cost. In the reply, it is further stated that after due application of mind, it has been decided not to release the land of petitioners from acquisition. Vide letters dated 14.11.2018 and 27.12.2021 (Annexures R-4 and R-5), petitioners have been requested to apply for the plot under oustee category. On 21.03.2022, a meeting under the Chairmanship of Administrator, HSVP, Faridabad, was

held, wherein it has been decided to allot plots measuring 8 Marlas in Sector 78, Faridabad to all the petitioners separately, in the larger public interest for providing safe master road in view of the order dated 21.10.2013 passed in CWP No.25874 of 2012 as per policy dated 09.11.2010. Vide letter dated 02.05.2022 (Annexure R-6), petitioners were informed that draw of lots were to be held on 09.05.2022, at 12.30 P.M., in the office of Administrator, HSVP, Sector 12, Faridabad.

A separate reply dated 18.04.2022 has been filed by the Land Acquisition Collector, Urban Estate Department, Faridabad, on behalf of respondent Nos. 1 and 2. Along with this reply, respondent Nos. 1 and 2 have placed on record orders dated 10.07.2020 and 05.11.2015 (Annexures R-1, R-2 and R-3), whereby writ petitions challenging the acquisition proceedings were dismissed. Hence, the acquisition proceedings have attained finality.

Learned State counsel has placed on record copy of letter dated 13.05.2022 along with proceedings of Mini Draw held on 09.05.2022, under the Chairmanship of Administrator, HSVP, Faridabad, which is taken on record as Annexure R-1. As per this letter, following plots have been allotted to the petitioners in the said meeting:-

Sr. No.	Name of Applicant	Plot No.	Sector	Size
1	Sh. Lovkesh Chander s/o Sh. Hemchand, r/o Kheri Farms, Faridabad	569KP	78	08 Marla
2	Sh. Brijesh Chander s/o Sh. Hemchand, r/o Kheri Farms, Faridabad.	569J	78	08 Marla
3	Sh. Rakesh Chander s/o Sh. Hemchand, r/o Kheri Farms, Faridabad	569I	78	08 Marla

Now, plots have already been allotted to the petitioners.

Keeping in view the decision given by this Court vide orders dated

10.07.2020 and 05.11.2015 (Annexures R-1, R-2 and R-3), acquisition proceedings have attained finality. In this view of the matter, case of the petitioners for realignment of the road has rightly been considered and rejected by the competent authority pursuant to the report given by the Executive Engineer dated 04.01.2021 (Annexure R-2). Therefore, no directions, as sought for, are required to be given in this case.

Resultantly, finding no merits, present petition is dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

17.05.2022
ajp

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