

CWP-15026 of 2019

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

CWP-15026 of 2019
Date of Decision: 10.05.2022

Rajiv Kumar and another

...Petitioners

Versus

State of Haryana and others

....Respondents

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

Present:- Mr. Suresh Ahlawat, Advocate, for the petitioners.
Mr. Ankur Mittal, Addl. A.G., Haryana and
Mr. Saurabh Mago, AAG, Haryana.

RITU BAHRI, J. (ORAL)

Petitioners are seeking benefit of release of land on the basis of judgment of this Court dated 10.07.2013 passed in ***CWP-18678 of 2011 – Shiv Kumar and another v. The State of Haryana and others*** (Annexure P-4).

The petitioners' land was acquired vide notification dated 23.08.2007 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), notification under Section 6 of the Act dated 21.08.2008 (Annexure P-2) and award No.3 dated 19.08.2010 (Annexure P-3). After passing of the award, some of the co-sharers of khasra number in which the petitioners had share, filed CWP-18678 of 2011, which was allowed on 10.07.2013 (Annexure P-4). While allowing the said writ petition, the Co-ordinate Bench observed as under: -

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“We, however, find from the Sazra plan (Annexure P-7) that the land measuring four acres of the petitioner is surrounded by the released land from three sides while on the fourth side, it is abutting the road. We also find from the Sazra plan that rest of the acquired and vacant land is far away from the isolated piece of land of the petitioners. There is no explanation whatsoever by the respondents as to how an ambitious project like the development of residential and commercial Sector-7, Safidon can be successfully achieved or made viable on a piece of land less than four acres when the surrounding land measuring more than 67 acres has been released by them. The petitioners, thus, have clearly made out a case of discrimination in the matter of release of the acquired land.

For the reasons afore-stated, we allow these writ petitions and quash the impugned notifications qua the petitioners.”

The petitioners being co-sharers have approached this Court for release of their land by claiming parity with the judgment of this Court (Annexure P-4) by filing present writ petition on 27.05.2019. They have approached this Court after a gap of almost eight years after other co-sharers, who filed writ petition in the year 2011 and after a gap of about six years after the decision of the said writ petition. As per the para 14 of the written statement filed by the respondents, the compensation and even the enhanced compensation of ₹908743/- has been taken by each petitioner on 08.03.2019. In paragraph 10 of the preliminary submissions it is further submitted that planning of the Sector has been finalized;

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development work in Sector 7, Safidon is in progress and in case the land in dispute is released it will affect the planning of the Sector. Copy of the demarcation plan has been placed on record as Annexure R-1.

Keeping in view the judgment of this Court in *CWP-19246 of 2017 – Rajesh Malik v. State of Haryana and others* decided on 30.07.2021 this writ petition claiming release of land after a delay of 6-8 years is being dismissed.

(Ritu Bahri)
Judge

May 10, 2022
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No