

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

CWP No.25155 of 2021
Date of decision: 16.05.2022

M/s Surya Seeds and Chemicals and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Rajesh Sethi, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana,
and Mr. Saurabh Mago, AAG, Haryana.

Ritu Bahri, J. (oral)

Petitioners are seeking quashing of the notifications dated 21.12.1998 and 20.12.1999 (Annexures P-1 and P-6) issued under Sections 4 and 6 of the Land Acquisition Act along with impugned order dated 18.12.2001 (Annexure P-11) passed by the Administrator, HUDA, Hisar and Award dated 19.12.2001 (Annexure P-12) passed by the Land Acquisition Collector, Hisar, qua the land of the petitioners. A further prayer has been made to quash the order dated 25.03.2019 (Annexure P-33), which was passed on the recommendation made by the Committee (constituted in pursuance of the order dated 22.11.2010 passed by this Court).

A Division Bench of this Court vide judgment dated 22.11.2010 (Annexure P-24) has already dismissed a petition i.e. CWP No.6320 of 2001 challenging the impugned notifications dated 21.12.1998

and 20.12.1999 (Annexures P-1 and P-6) issued under Sections 4 and 6 of the Land Acquisition Act and the Award dated 19.12.2001 (Annexure P-12) and the matter, in that respect, has attained finality. The Division Bench had considered the prayer made by the petitioners for release of land from acquisition only if, the constructions did not interfere in the road, green belt and was not earmarked for any other public infrastructural facilities. A direction was given to constitute a Committee consisting of Additional Secretary to the Government of Haryana, Department of Local Bodies, Director, Urban Estates Department, State of Haryana, Chief Administrator, HUDA and the Land Acquisition Collector, Fatehabad, to consider the claim of the petitioners within three months.

Aggrieved by the above said judgment (Annexure P-24), the Land Acquisition Collector filed Special Leave Petition No.18979-18992 of 2011 before Hon'ble the Supreme Court, which was disposed of vide order dated 12.10.2017 (Annexure P-28) by observing as under:-

“ In view of the fact that direction of the High Court is only to consider the matter, without going into the merits, we are not inclined to interfere with the direction. However, we make it clear that the consideration by the State has to be in accordance with law and if, possession has already been taken and if, release is not otherwise permissible or called for by any valid reason, the State will be at liberty to take such decision as may be considered appropriate by the State.”

Pursuant to the direction given by the Division Bench of this Court, a Committee was constituted by the State of Haryana for examining the case and finally, vide order dated 25.03.2019 (Annexure P-33), it had rejected the case of petitioners for release of vacant land from acquisition. With respect to the case of petitioners, the Committee has observed as under:-

“In CWP No.4839 of 2002, titled as Surya Sees and others vs. State of Haryana, the total claimed land of the petitioner is 115K-3M (Killa

No.129/24, 25, 130/21, 22, 23, 141/1, 10, 11, 12, 19 min, 20 min of village Basti Bhiwan.

On perusal of report of JSIC, it emerged that the land of the petitioner is vacant and the constructed portion measuring 7K-12M was already excluded u/s 5A of the Act, 1894. Therefore, the claimed vacant land does not qualify for release in terms of principles laid down in para above.”

Learned counsel for the petitioners has argued that the above said Committee was not constituted rightly as per the order dated 22.11.2010 (Annexure P-24) passed by the Division Bench of this Court. He has further argued that before passing the impugned order dated 25.03.2019 (Annexure P-33), the Committee had given notice to the petitioner(s) to appear personally. The petitioner(s) had appeared before the authorities, however on that day, their representation(s) were taken and they were not given any personal hearing. He has referred to the letter (Annexure P-4) sent by the Deputy Director of Agriculture, Fatehabad to the Land Acquisition Collector, Urban Estate, Hisar, whereby with respect to the case of present petitioners, it has been observed that the seed processing plant set up by the petitioner(s) requires 95,800 square yards of land. He stated that this aspect has been totally ignored by rejecting the case of the petitioner(s) vide impugned order dated 25.03.2019 (Annexure P-33).

Learned State counsel has referred to the judgments passed in **Asha Rani and another vs. State of Haryana and others**, CWP-9691-2020 (decided on 13.07.2020) and **Kamlesh Rani and another vs. State of Haryana and others**, CWP-11644-2020 (decided on 11.08.2020). In **Kamlesh Rani's** case (supra), this Court has considered a petition filed by the petitioners, whose case was rejected by the Committee, which was constituted pursuant to the directions dated 22.11.2010 given by this Court.

Ultimately, the petition filed by the petitioners was dismissed and the order passed by the Committee was upheld. Learned State counsel further argued that once, possession was taken, the land vested with the State Government as per the judgment passed by the Constitution Bench of Hon'ble the Supreme Court in Indore Development Authority vs. Manoharlal and others etc. Etc., SLP (Civil) No.9036 (CA) of 2016 (decided on 06.03.2020).

In the case of the petitioners, when notification under Section 4 of the Land Acquisition Act, was issued, the petitioner(s) had filed their objections under Section 5-A of the Act and unit of the petitioner(s) along with proportionate land had already been released before issuing the notification under Section 6 of the Act. Moreover, constructed portion of the land was also released from acquisition. Now, the petitioners cannot claim release of vacant land in view of the judgment passed in Indore Development Authority's case (supra) and their case has been rightly rejected by the Committee vide speaking order dated 25.03.2019 (Annexure P-33).

Heard, learned counsel for the parties.

In the present case, as per letter (Annexure P-4), the Deputy Director of Agriculture, Fatehabad had observed that seed processing plant set up by the petitioner(s) required 95800 square yards of land. However, this officer has further observed that this land was required as there was no mechanised dryer in the plant and the seeds were dried in the open area. This observation was made way back in the year 2019 and much water has flown since then. It is not the case of the petitioner(s) that the unit was not running. Prayer of the petitioner(s) for release of vacant land pursuant to

the direction dated 22.11.2010 (Annexure P-24) given by the Division Bench of this Court, has been considered. Representation made by the petitioner(s) was also accepted before passing of the impugned order dated 25.03.2019 (Annexure P-33). Moreover, after accepting the compensation, the vacant land vests in the State as per the judgment passed in **Indore Development Authority's** case (supra). Hence, case of the petitioners has been rightly rejected by the authorities by passing the impugned order dated 25.03.2019 (Annexure P-33). No ground is made out to interfere therein.

Resultantly, finding no merits, present petition is dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

16.05.2022
ajp

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