

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

CWP No.18689 of 2018
Date of decision: 27.05.2022

Anita and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Babbar Bhan, 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 18.12.2008 and 17.12.2009 (Annexures P-1 and P-2) issued under Sections 4 and 6 of the Land Acquisition Act, vide which, land of the petitioners has been sought to be acquired for development of residential Sector(s) 9 and 10 part Dadri, under the Haryana Urban Development Authority Act, 1977.

Learned counsel for the petitioners has placed reliance upon the order (Annexure P-4), whereby land of some of the landowners from same acquisition proceedings has been released by the Haryana Urban Development Authority.

A perusal of the order (Annexure P-4) shows that CWP No.26763 of 2013, titled as **Chandu Lal and others vs. State of Haryana and others**, was disposed of by this Court vide order dated 06.12.2013 by giving direction to the respondents to consider the claim of the petitioners

keeping in view the judgment passed in **Kuldeep Singh vs. State of Haryana and another**, CWP No.23386 of 2011 (decided on 20.08.2013).

Pursuant to the said order, a detailed order has been passed, whereby land of 12 petitioners (therein) has been released. Learned counsel for the petitioners has referred to the judgment passed in **Kuldeep Singh's** case (supra) (Annexure P-5), whereby a bunch of petitions was disposed of. In that case, same notifications (Annexures P-1 and P-2) were challenged on the ground that petitioner(s) were owners in possession of the plots measuring 250 sq. Yards or less than that and no public purpose would be served by acquiring those vacant plots. Those writ petitions were disposed of by giving direction to the respondents that in case, no public purpose could indeed be achieved by acquiring those vacant plots, except that the land was needed for a public purpose like road, greenbelt, sewerage etc., then the claim of the petitioners for release of those plots be considered.

In the present case, petitioners have approached this Court by filing the present petition on 25.07.2018, whereas CWP No.23386 of 2011 (Annexure P-5) was filed way back in the year 2011.

Upon notice, written statement on behalf of respondent Nos.1 to 3 has been filed, stating therein that total land measuring 5.28 acres was released after declaration under Section 6 of the Land Acquisition Act as per direction issued by the Government vide letter dated 16.12.2011. Thereafter, Award No.1 dated 16.12.2011 qua total land measuring 130.60 acres was announced. Possession of the land has been handed over to the Estate Officer, HUDA (now HSVP), Bhiwani, vide rapat No.908 dated 16.12.2011. It is admitted that pursuant to the order dated 06.12.2013 passed by this Court in CWP No.26763 of 2013 (Chandu Lal and others vs.

State of Haryana), land of the petitioners, which was not affecting planning of the sector, was released vide order dated 10.12.2014. Direction of this Court to release the constructed area along with equivalent open space was carried out. No release was recommended in case of petitioner Nos.2, 3, 5, 6, 11 and 12 (therein) as all those petitioners had raised construction after issuance of notification under Section 4 and accordingly, their claim was not covered under the policy dated 26.10.2007, as modified on 24.01.2011. The Government has approved the recommendation of the department. In the case of petitioners, whose claim was rejected, they were given liberty to file claims under R&R Policy of the State.

With respect to the land of present petitioners, it is stated that the said land was affecting the planning of sector and now, it has been decided to construct the Judicial Complex and Administrative Block. The Layout Plan has been revised and as per the approved revised Layout Plan dated 14.12.2018 (Annexure R-1), land of the petitioners falls in the approved site for Judicial Complex.

The petitioners filed their reference for enhancement of compensation and the Additional District Judge, Bhiwani, vide order dated 25.02.2015, enhanced the rate of land to Rs.61,49,212/- per acre from the original awarded amount of Rs.40,00,000/- per acre. It is further stated that amount of compensation qua the acquired land measuring 130.60 acres came to Rs.87,81,03,712/-, out of which, Rs.60,36,84,379/- (approximately 69%) has already been disbursed to the land owners and the balance amount is lying unpaid with the department.

After hearing learned counsel for the parties, present petition deserves to be dismissed on the ground that the petitioners have approached

this Court after the delay of almost 09 years. They are claiming parity with the landowners, whose land has been released, pursuant to the judgment dated 20.08.2013 passed in CWP No.23386 of 2011 (Annexure P-5). Even with respect to the order (Annexure P-4), it has been clarified that claim of petitioner Nos.2, 3, 5, 6, 9, 11 and 12 (therein) had been rejected and recommendation for rejection had been approved by the Government. Only land of other owners was released along with proportionate open space.

In the present case, since land in question, as per the Layout Plan (Annexure R-1) is approved for construction of Judicial Complex, no case is made out for giving direction to the respondents to consider the case of petitioners for release of their land from acquisition. Moreover, they have approached this Court after the gap of almost 09 years of passing of the Award.

In view of the above discussion, finding no merits in the present petition, the same is hereby dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

27.05.2022
ajp

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