

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8899-2015 (O&M)
Date of decision: 15.07.2022

Surinder Kumar

...Petitioner

Vs.

The State of Haryana and others

...Respondents

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

Present: Mr. A.S. Tewatia, Advocate,
for the petitioner.

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

Ritu Bahri, J. (Oral)

Petitioner is seeking quashing of the notifications dated 25.05.2010 and 24.05.2011 (Annexures P-1 and P-3) issued under Sections 4 and 6 of the Land Acquisition Act, on the ground that rooms have already been constructed on the land belonging to the petitioner and the same is being utilized for residential purpose.

Upon notice, reply on behalf of respondent Nos.1 and 2 has been filed, wherein it is stated that in compliance with the direction given by this Court in **Surinder Kumar vs. The State of Haryana and others**, CWP-3433-2014, decided on 24.02.2014 (Annexure P-5), case of the petitioner was duly considered by the competent authority and it was observed that he (petitioner) has constructed labour huts on Khasra No.19//23/1 (1-11), which have been occupied by the labourers as tenants.

No residential activity was found at the spot. The site is being used for rental earning and the claim of the petitioner is not covered under the policy dated 24.01.2011 (Annexure P-7). In clause 1 (a) of this policy, it has been mentioned as under:-

“1 (a) Any request or application where structure has been constructed provided the structure existed prior to Section 4, is inhabited and is being used by the owner for his own residential purposes.”

As per the above stated policy, the constructed portion has to be utilized by the land owners and it cannot be used for rental purpose.

Learned counsel for the State has argued that as per the photographs (Annexure P-8), placed on record by the petitioner himself, it is apparent that rooms have been given on rent to the labourers. He has further referred to the objections dated 17.06.2010 (Annexure P-2) filed under Section 5-A of the Land Acquisition Act, 1894. These objections were filed jointly by four persons, including the petitioner and three co-owners, whereas the present petition has been filed by one person i.e. petitioner-Surinder Kumar.

Heard, learned counsel for the parties.

In the present case, the respondent-State has specifically stated that rooms/huts, constructed by the petitioner on the land in question, have been given on rent to the labourers and this fact has not been denied by the petitioner by filing the replication. Further, as per policy dated 24.01.2011 (Annexure P-7), the constructed portion can only be released, if it is being utilized by the owner(s) for his/their own residential purposes. However, in the case of present petitioner, he has rented out the constructed portion to the labourers. Therefore, his claim for release of land cannot be considered.

In view of the above, this Court is of the considered view that

the competent authority has rightly declined the claim of petitioner for release of land in his favour.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

15.07.2022
ajp

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