



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.5883 of 2018
Date of Decision: 25.09.2024

Suman and others
...Petitioners

Versus

State of Haryana and others
...Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ravinder Hooda, Advocate
 for petitioner No.1.

The writ petition already stands dismissed
qua petitioners No.2 to 4 vide the order dated 01.06.2023.

Mr. Ankur Mittal, Additional A.G., Haryana with
Mr. Saurabh Mago, D.A.G., Haryana
for respondent No.1.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, Advocate and
Mr. Siddhant Arora, Advocate
for respondents No.2 to 4.

G.S. Sandhawalia, J.(Oral)

The challenge in the present writ petition is to the acquisition proceedings initiated on 15.12.2006 (Annexure P-9) under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') and the subsequent proceedings initiated under Section 6 of the Act dated 14.12.2007 (Annexure P-11). The Award dated 30.11.2009 (Annexure P-12) is also subject matter of challenge along-with the speaking order dated 03.08.2016 (Annexure P-20).



2. The plot in question is measuring 200 square yards comprised in Khasra No.7559 situated on Rohtak-Gohana Road, Rohtak, which is subject matter of consideration of petitioner No.1 as the writ petition already stands dismissed qua petitioners No.2 to 4 on an earlier occasion on 01.06.2023. The petitioner had earlier challenged the acquisition proceedings in **CWP No.13892 of 2008**, which was disposed of on 29.08.2013 (Annexure P-13) in a bunch of cases, lead case of which was **CWP No.4585 of 2008** titled '**Darshan Lal Kapoor & ors. vs. Union of India & ors.**'. The limited benefit was granted at that point of time wherever the petitioners had raised constructions and the structures were found in existence at the time of issuance of Section 4 notification, the same would be deserved to be released. The relevant paragraph reads as under: -

“(10). Consequently, we hold that wherever the petitioners have raised constructions and the structures were found in existence at the time of issuance of Section 4 notification, such structures along-with proportionate open space for the proper utility and enjoyment of constructed property, deserve to be released. We order accordingly.”

3. It is pertinent to mention here that in the written-statement filed in the earlier round of litigation, a specific stand was taken by the respondents that the land relating to all the petitioners was vacant at the time of Section 4 notification which would be clear from the averments made in paragraph No.2 of the written-statement in the said case and



similarly, the same plea was taken in Paragraph No.10 that the disputed land was totally vacant and the objections filed by the petitioners were duly heard. Apparently, in pursuance of the directions issued by the Co-ordinate Bench on 29.08.2013 (Annexure P-13), the speaking order was passed rejecting the case of the petitioners on 03.08.2016 (Annexure P-20) wherein while taking into consideration the recommendations of the Zonal Committee, it was held that the possession of the land was required for the Rohtak-Gohana proposed Road widening and 60 mtr. green belt and 66.58% payment has been disbursed.

4. In the reply filed by respondents No.1 and 4, the said factual-matrix has been reiterated that the land claimed by petitioner No.1 was found vacant during the survey conducted and therefore, the land was not released by the Government.

5. It is also pertinent to mention here that the replication was never filed though the written-statement was filed way back in the year 2021. However, the State has been directed specifically as such to furnish the record indicating the property owned by petitioner No.1 prior to issuance of notification under Section 4 of the Act vide the earlier order dated 01.06.2023. The necessary affidavit of the Land Acquisition Collector, Urban Estate, Rohtak dated 29.11.2023 has been filed wherein they have attached the letter dated 17.11.2023, which mentions that there was no structure shown on the drawing dated 01.02.2006 in Khasra No.7559, Sector-36A, Rohtak. Along-with the said affidavit, the minutes of the Committee of the JSIC dated 27.11.2007 for the notification in question



has also been appended, which reads as under:-

“District Town Planner, Rohtak informed that as per the map available with them there are 21 structures in the said area. Of these structures there is one structure of class-A 28111 Sq yds out of which CLU has been granted for 2475 Sq yds in Khasra No.7572 vide letter No.5344 dated 30.04.99 Committee recommended for the exclusion of this constructed land from acquisition u/s-6. He further informed that there are three structions over an area of 7653 Sq yds of class-B in Khasra Nos.7153, 7282 and 7556 and 17 structures in area of 10979 Sq yds of class-C constructed in Khasra Nos.7595, 7566, 7602, 7558, 7517, 7518, 7513, 7508, 7514, 7129-30 & 7138-39 for which Committee recommended for their acquisition.

The Committee inspected the structure and it was unanimously decided to (not legible) recommendation that notification under Section-6 excluding the area for which CLU has been granted from the acquisition as marked at serial No.3 in the enclosed Sajra Plan of the Land Acquisition Act, 1894 for the land coming under section-36-A may be sent to the higher authorities. The meeting ended with a vote of thanks to the chair.”

6. A perusal of the above-mentioned document would go on to show that there was specific mention regarding structures on the Khasra Numbers, and Khasra No.7559 does not find mention in the same. It is, thus, apparent that the stand as such of the State, as per survey conducted, is correct. There was never any structure and the structure, if any, has been raised, apparently, after the notification issued under Section 4 of the Act.



The petitioner cannot thereof take any benefit as such of releasing the construction as such and now, to place proof in the form of photographs as such. We have also perused the photographs of the alleged structure and apparently, the objections were regarding the construction of the house. The said photographs show that it is a godown which has been raised on the side of the road and being, apparently, used for commercial purposes.

7. In such circumstances, we are of the considered opinion that the necessary exercise having been done in pursuance of the earlier litigation, the petitioner is bound by the same and we do not find any infirmity in the impugned order. The findings recorded by the authorities seem to be justified. Resultantly, there is no merit in the present writ petition and the same is dismissed accordingly.

(G.S. SANDHAWALIA)
JUDGE

25.09.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No