



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 27393 of 2025 (O&M)
Date of Decision: 15.09.2025

Jagmal Singh and another
..... Petitioners

State of Haryana and others
..... Respondents

Versus

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Sharma, Advocate with
Mr. Rohan Moudgil, Advocate
for the petitioners.

HARKESH MANUJA, J. (ORAL)

Prayer in the present writ petition made on behalf the
petitioners reads as under:-

“ Civil Writ Petition under Articles 226/227 of the
Constitution of India Praying for Issuance of a writ of
Mandamus of Direction to the respondents to pass the
supplementary award regarding the petitioner's structure
situated in village Fazilpur Jharsa District Gurugram,
because respondents have passed the Award No.45 dated
09.12.2016 regarding the petitioner's land only and Further
direction may kindly be issued to the respondents to release
the compensation of the petitioner's structure and annuity as
per the policy dated 09.11.2010 (Annexure P-7) within
stipulated period in their account.”

[2] Briefly stating, certain land owned by the petitioners situated
in the revenue estate of Village Fazilpur Jharsa, District Gurugram was
acquired by respondent No. 4 vide Notifications dated 11.12.2013 &
13.12.2014 issued under Sections 4 & 6 of the Land Acquisition Act, 1894
(for short “the Act”) respectively; followed by an Award dated 09.12.2016

(Annexure P-6) passed by the Land Acquisition Collector, Urban Estate, Gurugram (**for brevity “LAC”**), whereby the market value as regards the acquired land was fixed.

[3] Learned counsel for the petitioners submits that over some part of the land of petitioners, there was construction of house(s) and shop(s), however, the assessment of compensation towards the same has not been made and even no award against it has been passed. At this stage, he restricts the prayer only regarding issuance of directions to respondent No. 4 for passing of an award with respect to the construction existing over the acquired land.

[4] Notice of motion.

[5] On asking of the Court, Ms. Komal Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of respondent Nos. 1 & 4; whereas Mr. Harmanjot Singh Gill, Advocate with Mr. Aman Chawariya, Advocate, accepts notice on behalf of respondent Nos. 2, 3 & 5-HSVP.

[6] In the wake of limited prayer made on behalf of the petitioners about issuance of directions to respondent No. 4 so as to pass an award with respect to the construction existing over the acquired land, learned counsel(s) for the respondent(s) rather than submitting their reply, raise no objection against the innocuous prayer.

[7] I have heard learned counsel(s) for the parties and considered their submission(s).

[8] A perusal of the record shows that in the Award dated 09.12.2016 (Annexure P-6) passed by respondent No. 4, it was categorically recorded that the award of Building/Structures/Trees shall be announced after receiving the assessment report from the Department-Haryana Shehari

Vikas Pradhikaran (for short “HSVP”). Relevant para-6 from the Award dated 09.12.2016 is extracted hereunder (Page No. 54 of the paper-book):-

“ BUILDING/STRUCTURES/TREES/FRUIT TREES:

As per the survey of revenue staff Patwari/Kgo, it was observed that there are some building/structures/trees on the acquired land whose assessment report has been demanded from the HUDA department. The assessment of buildings/structures/trees has not been received from XEN, HUDA Division-6, Gurugram. The award of the structure/trees will be announced after receiving the assessment from HUDA Department separately.”

[9] Furthermore, the construction of residential house(s) and shop(s) over some part of the acquired land owned by the petitioners was even admitted by respondent No. 4 in her reply dated 17.07.2024 (Annexure 6-B) to the Civil Writ Petition No.7836 of 2015 preferred at the instance of petitioner-Amar Nath having laid challenge to the acquisition proceedings. Para-4 from the aforesaid reply dated 17.07.2024 is extracted hereunder (Page Nos. 68-69 of the paper-book):-

“ 4. That objections under Section 5A of Act of 1894 were invited and the present petitioners filed objections under Section 5A of Act of 1894 on 09.01.2014 (Annexure P-2). The objections were duly considered and the accordingly LAC prepared its report, wherein it was observed that the petitioner had constructed residential House and shop. Since the land in question was falling in the alignment of 60 Meter wide road, LAC recommended for acquisition of the land in question. The recommendation of the LAC was accepted by the Government and accordingly the declaration dated 10.12.2014(Annexure P-3) was issued for land for land admeasuring 30.63 Acres of village Fazilpur Jharsa. The aforesaid declaration

also included the land of the petitioners bearing Khasra No. 22//3/1min(0-19), 4/1/1(0-11), 6/1min(0-6), 7/2(7-19), 8min(1-0), 26/1(0-4) situated in the Revenue Estate of Village Fazilpur Jharsa, District Gurugram.”

[10] In view of the above, once, there is no dispute about the fact that construction existed over some portion of the acquired land owned by the petitioners, respondent No. 4 is directed to pass an award with respect to the Building/Structures/Trees after obtaining report from the quarter concerned from the HSVP Department.

[11] Considering the fact that the award with respect to the land was passed by respondent No. 4 on 09.12.2016 and a period of around nine years has passed, respondent Nos. 3 & 5-HSVP are also directed to ensure the delivery of relevant report with respect to the Building/Structures/Trees existing over the acquired land at the time of acquisition, to the office of respondent No. 4 within two months from the date of receipt of certified copy of this order and thereupon, respondent No. 4 to pass an award within four weeks thereafter.

[12] In case the respondents fail to comply with the aforesaid directions, they shall be liable to pay costs of Rs. 50,000/- per month for the delayed period, which shall be deposited in the bank account of the petitioners on monthly basis towards causing of delay.

[13] At this stage, with respect to the claim of annuity, learned counsel for the petitioners submits that the petitioners would approach the office of respondent No. 4 by moving an appropriate application in this regard in terms of policy/Notification dated 09.11.2010 (Annexure P-7) issued by the Haryana Government, Revenue and Disaster Management

Department.

[14] **Disposed off** accordingly.

[15] Pending miscellaneous application(s), if any, shall also stand disposed off.

September 15, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>