
(2011) 04 P&H CK 0230
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5835 of 2011

Ishwar Singh

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 5A, 6

Citation : (2011) 04 P&H CK 0230

Hon'ble Judges : Rakesh Kumar Garg, J; Jasbir Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Jasbir Singh, J.—This writ petition has been filed with a prayer to quash a notification, issued u/s 4 of the Land Acquisition Act, 1894 (in short, the Act) on 9.9.2002(P3), proposing to acquire 380.11 acres of land, including about 47 kanal 6 marla land owned by the Petitioner and his brother, for a public purpose, namely, to develop residential and commercial area at Jind. Further challenge has been laid to a declaration, issued u/s 6 of the Act on 8.9.2003(P5), finally ordering acquisition of above said land.

2. It is grievance of the Petitioner that when objections u/s 5-A of the Act were filed, the Petitioner brought it to the notice of the Land Acquisition Collector that he along with his co-sharer have constructed their residential houses in land falling in khasra No. 138//27. It is further stated by the Petitioner that the land owned by the other land owners, under residential houses, was left out of acquisition, whereas said relief was not granted to the Petitioner in a very arbitrary manner. It is further stated that even after passing of an award, land was released in favour of many other land owners. To say so, reference was made to a letter written by the Director Urban Estate Department, Haryana Panchkula to the Administrator, HUDA, Hisar on 18.8.2006 (P6).

3. At the time of arguments, counsel for the Petitioner has candidly admitted that

after passing of an award, the Petitioner and his co-sharers filed an application u/s 18 of the Act for enhancement of compensation which was decided in their favour in the year 2007. During arguments, it has also transpired that some portion of the land under acquisition owned by the Petitioner and his co-sharers was kept out of acquisition on account of existence of residential houses. The Petitioner never objected to the same, remained satisfied and kept mum for a period of more than 6/7 years. At this belated stage, possibly no relief can be granted to the Petitioner in view of ratio of judgment of the Hon''ble Supreme Court in Sawaran Lata etc. Vs. State of Haryana and Others, . Furthermore, once, land already stood released in favour of one of the co-sharers and there is nothing on record to show that the Petitioner's residence was separate, no relief can be granted to him. It is also apparent from the records that the Petitioner and his co-sharers had filed a joint objection application.

Dismissed.