
(2014) 03 P&H CK 0212
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16752 of 2013 (O&M)

Pushpa Devi and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 31-03-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6

Citation : (2014) 03 P&H CK 0212

Hon'ble Judges : Surya Kant, J; Lisa Gill, J

Bench : Division Bench

Advocate : G.S. Hooda, Advocate for the Appellant; Palika Monga, DAG, Haryana and Mr. Vishal Sharma, Advocate for the Respondent

Final Decision : Allowed

Judgement

Surya Kant, J.—The petitioner impugns acquisition notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 in respect of acquisition of their plot measuring 406 square yards where, according to the petitioner, a residential house was constructed.

2. The respondents on the other hand have taken a plea that there is no residential house but only a four-wall is raised. The case of the petitioners is that the respondents have demolished their house.

3. Be that as it may, we have seen the layout plan of the proposed Urban Sector for which the acquisition has been made.

4. Learned counsel for the respondents has also referred to the order dated 29th August, 2013 passed in CWP No. 4585 of 2008 [Darshan Lal Kapoor & Ors. Vs. Union of India & Ors.] and other connected writ petitions, arising out of the same acquisition. Those writ petitions were disposed of with a direction to the respondents to release residential houses wherever the same were not obstructing the development of any public utility. As regard to those houses which were falling in any road etc., a direction was issued to provide an

alternative site.

5. Since the property of the petitioners also falls in the alignment of the road, they were entitled to the benefit of alternative allotment of a plot in Sector 36-A and/or any other residential Sector in Urban Estate, Rohtak.

6. For the reasons aforementioned, the writ petition is allowed in the same terms as in CWP No. 4585 of 2008 and the respondents are directed to consider the case of the petitioners for allotment of an alternative site in Sector 36-A or any other developed Sector at Rohtak within a period of three months from the date a certified copy of this order is received.

7. The petitioners shall be entitled to seek compensation for the structures/residential house which is said to have been demolished.

8. Disposed of. Dasti.