
(2000) 09 P&H CK 0151
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 13448 of 1990

Sanjay Yadav

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 25-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Land Acquisition Act, 1894 — Section 4, 6

Citation : (2001) 1 RCR(Civil) 486

Hon'ble Judges : Kamlesh Gupta, J; Amrit Lal Bahri, J

Bench : Division Bench

Advocate : Mr. C.B. Goel, for the Appellant; Mr. Rakesh Deshwal, AAG, for the Respondent

Judgement

A.L. Bahri, J.—After hearing counsel for the parties, we are proposing order directing the respondents not to acquire the land of the petitioners as shown in red colour in plan Annexure P-1, reference to which is being made for understanding the facts.

2. Sanjay Yadav and Vikas Yadav, sons of Braham Dev, the petitioners, allegedly purchased 164 square yards of land covered by Khasra No. 1010 at Gurgaon within the municipal limits from one Mewasi son of Bhola Ram and allegedly raised construction thereon. The entire land of Khasra No. 1010 aforesaid and other Khasra numbers was intended to be acquired vide notifications issued under the Land Acquisition Act, 1894, Annexures P2 and P3. These notifications were issued under sections 4 and 6 of the Act respectively.

3. The case of the petitioners is based on discrimination. The land of Umed Singh and Vijay Singh on both the sides and portion towards the back side already stand released from acquisition. This land has been shown in green colour in plan Annexure P-I, whereas the land of the petitioners has been shown in red colour. The land of Umed Singh is shown in green colour on one side and on the another side land of one Vijay Singh. In the written statement filed by the State it is

admitted that land of Umd Singh, where existed house, was released from acquisition. However, position of Vijay Singh's land is not admitted. Be that as it may, since the lands of Umed Singh and others stand released from acquisition, it cannot be said that portion covered under red colour, allegedly belonging to the petitioners, can be used for development of other land which is sought to be acquired. Such Khasra numbers are shown in plan Annexure P-1. Obviously when land around the land of the petitioners stand released, there would be discrimination if the petitioners' land is also not released from acquisition, as, even otherwise, it cannot be put to any use for development.

4. Hence the writ petition is allowed with the direction to the respondents not to acquire the land of the petitioners shown in red colour in plan Annexure P-1 under the impugned notifications. If the respondents object to the proposed order as above, they may move the High Court with an objection petition for hearing of the writ petition on merits according to law within two months.

Copy of the order be given to the counsel for the parties.

5. Petition allowed.