

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 14509 of 2007

Shiv Kumar Saini son of Shri Chander Bhan resident of Dhani
Pirawali, Tehsil Hansi, District Hisar (Haryana.

... Petitioner

Versus

1. The State of Haryana through Financial Commissioner
and Principal Secretary to Govt. Haryana, Urban Estates
Department, Haryana Civil Secretariat, Chandigarh.
2. The Land Acquisition Collector, Urban Estate Department
Haryana, HUDA Office Complex, Sector -13, Hisar.
3. Haryana Urban Development Authority through its Chief
Administrator, Sector 6, Panchkula.

... Respondents

Civil petition under Article 226/227 of the
Constitution of India for the issuance of a writ in the
nature of Mandamus and/or any other appropriate
writ, order or direction declaring the notifications
dated 29.08.2005 and 28.08.2006 (Annexures P-1
and P-2) issued under Section 4 and 6 of the land
Acquisition Act 1894 as arbitrary, illegal, mala fide,

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Hon'ble Justice
Ranjit Singh
Hon'ble Court of Punjab & Haryana

contrary to principles of natural justice, and in violation of the provisions of the said Act and violative of Article 14 of the Constitution of India; and for the issuance of a writ in the nature of Certiorari and/or any other appropriate writ, order or direction quashing and vacating the impugned notifications (Annexure P-1 and P-2); and for the issuance of a writ in the nature of Certiorari and/or any other appropriate writ, order or direction quashing and vacating the impugned award (Annexure P-9); and for the consequential and other reliefs and prayed for in this writ petition.

Respectfully Showeth:

1. That the petitioner herein, is a Citizen of India and is entitled to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226/227 of the Constitution of India.
2. That the present writ petition is being filed by the petitioner challenging the legality and validity of the notification (Annexures P-1 and P-2) issued under Section 4 and 6 and the award (Annexure P-9) under Section 11 of the Land Acquisition Act, 1894 in the background of the following admitted factual position obtaining in the matter:-
 - (i) The State of Haryana issued Notification under Section 4 of the Land Acquisition Act, 1894 (herein after referred to as the Act) on

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Muzakkiy In-charge Department
of Punjab & Haryana
Chandigarh

In the High Court of Punjab and Haryana, at Chandigarh

CWP No. 14509 of 2007
Date of decision: 19.5.2008

Shiv Kumar Saini

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Parvesh Saini, Advocate,
for the petitioners.

Mr. Ashish Kapoor, Addl. A.G. Haryana.

Mr. Ajay Kumar Kansal, Advocate for HUDA.

JUDGMENT

M.M.KUMAR, J.

Written statement on behalf of respondents No. 3 has been filed in the Court today which is taken on record.

Learned State counsel, after obtaining instructions from Sita Ram, Patwari, office of Land Acquisition Collector, Hisar, has stated that the award was passed on 3.8.2007 (Annexure P-9) and the instant petition has been filed on 15.9.2007 after passing of the award. He has further stated that the compensation by cheques dated 20.8.2007 and 11.9.2007 has also been disbursed to the petitioners. It is well settled that the acquisition proceedings can not be challenged after passing of award and acceptance of compensation, especially when the possession has been taken

by the State. In that regard reliance may be placed on the judgments of the Supreme Court in the cases of Star Wire (India) Ltd. v. State of Haryana (1996) 11 SCC 698, Municipal Council Ahmednagar v. Shah Hyder Beig (2000) 2 SCC 48, C.Padma v. Dy. Secretary to the Government of Tamil Nadu (1997) 2 SCC 627 and Swaika Properties Pvt. Ltd. v. State of Rajasthan JT 2008 (2) S.C.280.

In view of above, the writ petition fails and the same is accordingly dismissed.

Sd/- (M.M. Kumar)
Judge

Sd/- (Sabina)
Judge

May 9, 2008
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Examiner

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