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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. NO. 17 319 OF 2015

Ombir and others

...Petitioners

versus

State of Haryana and others.

...Respondents.

INDEX

Sr.	Particulars	Date	Page	Court
No.				Fees
1.	List of date and events	17.08.2015	1-2	
2.	Civil Writ petition	17.08.2015	3-6	300-02
3.	Affidavit	17.08.2015	7	
4	Annexure P-1 Policy	07.12.2007	8-11	2-60
5	Annexure P-2 Statement 19	27.01.2006	12-14	1-95
6	Annexure P-3 Representation	02.10.2014	15	-65
7	Annexure P-4 High Court order	18.03.2015	16-19	3-00
8	Power of Attorney	17.08.2015	20	2-65
	Total			310-85

Note:-

- That the main law points involved in Writ Petition have been mentioned in para 5 at page no. 5 of the paper book.
- 2. Relevant Statue/Rules i) Constitution of India. ii.) Policy 07.12.2007 (Annexure P-1)
- 3. Any other Case: Nil
- 4. Any Caveat notice has been received- No.

PLACE: CHANDIGARH.

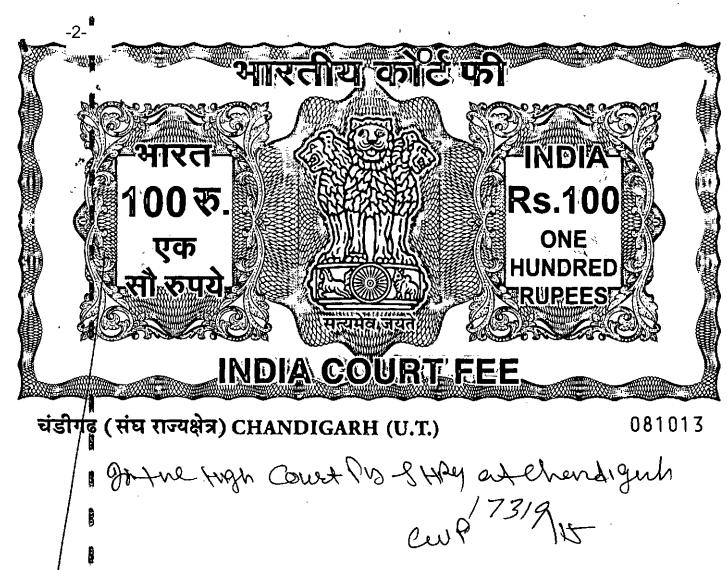
DATED: 17.08.2015

(SANDEEP SHARMA)

ADVOCATE.

COUNSEL FOR THE PETITIONERS.

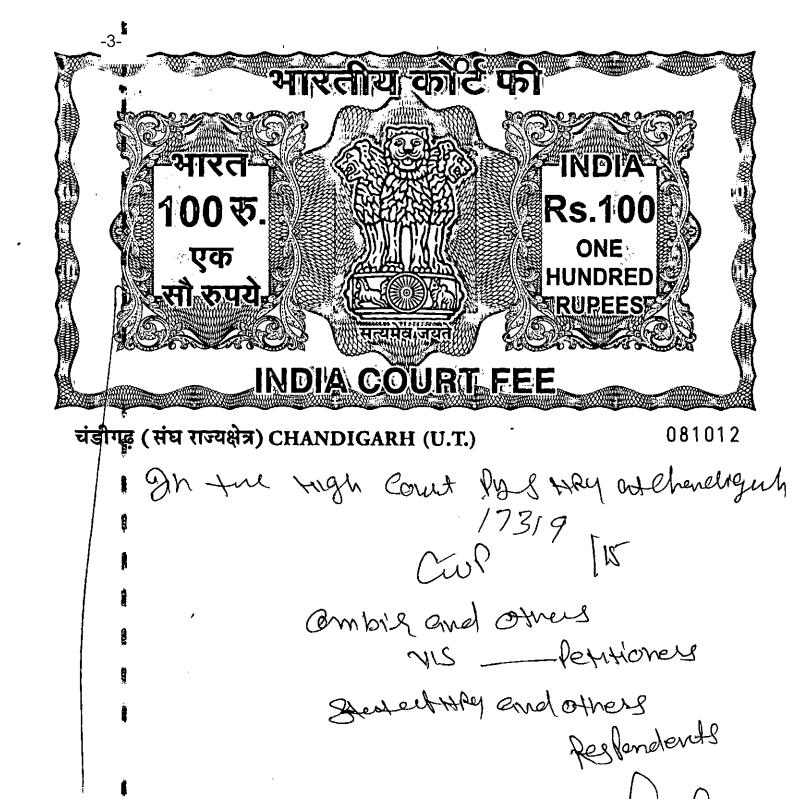
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चंडीगृह (संघ राज्यक्षेत्र) CHANDIGARH (U.T.)

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Date 17-8-15 Peale Chandiglich.

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH. C.W.P. NO. 17319 OF 2015

Ombir and others

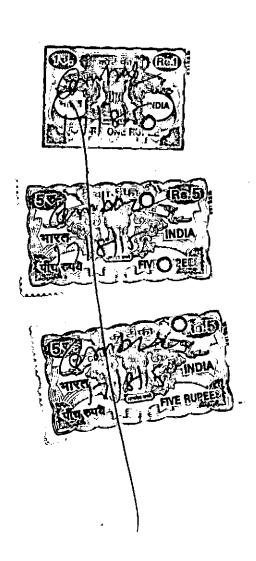
...Petitioners

versus

State of Haryana and others.

...Respondents.

TOTAL COURT FEES RS.



CHANDIGARH

DATED:- 17.08.2015

Through yours

(SANDEEP SHARMA

ADVOCATE

OUNSEL FOR THE PETITIONER.

P-85/01

07.12.2007: That the petitioners were owners of land, which was acquired by the

respondents for the development of Gurgaon industrial SEZ estate

vide award No.4 dated 27.01.2006. As per the policy dated

07.12.2007 issued by the respondents petitioners are entitled for the

annuity of Rs.15,000/- per acre per annum for a period of 33 years.

Policy is attached (Annexure P-1). Petitioners have submitted

representation also before the respondents to give the annuity and

other benefits, but respondents have not given even a single penny of

the annuity till today after 2008 as per the policy dated 07.12.2007.

Respondents have developed SEZ in village Mohmmadpur Jharsa

Distt. Gurgaon. This land was acquired under the land acquisition Act

1894. Respondents have allotted this site at the higher rates to the

industrialist. This area is situated on the main highway.

That the respondents have framed the policy for the benefit of the

land owners, but the respondents have not issued the annuity and

other benefits to the petitioner according to the policy dated

07.12.2007. Petitioners have submitted representation before the

respondents to give the annuity according to the policy dated

07.12.2007, but the respondents have not given any reply to the

petitioners till today.

That the State Government of Haryana is a welfare State and State

Government has to act for the welfare of the General Public.

Respondents have framed the policy, but they are not giving benefits

according to the policy. It is injustice with the petitioners, because the

respondents are depriving the petitioners from the legal right.

Petitioners have requested to the respondents to give the one time benefit of the annuity as compensation, but the respondents are not taking positive action on the request of the petitioners.

17.08.2015 Hence this petition.

PLACE: CHANDIGARH

Date: 17.08.2015

THROUGH COUNSEL

SANDEÆP SHARMA

ADVOCATE.

COUNSEL FOR THE PETITIONERS.

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

17319 C.W.P. NO.

DE 2015

- 1 Ombir son of Sh. Dhanpal
- 2 Sahib Singh son of Sh. Dhanpal
- 3 Sh. Satpal son of Sh. Indraj
- 4 Sh. Mahabir son of Sh. Indraj
- 5 Sh. Rajbeer son of Sh. Indraj
- 6 Surender S/o Geeta devi

All are residents of village Mohmmadpur Jharsa Tehsil and Distt. Gurgaon.

.....Petitioners

Versus

- State of Haryana through Financial Commissioner and Principal Secretary to Govt. Haryana Industries Department Haryana Civil Secretariat, Sector-17 Chandigarh.
- 2. The Director of Industries and Commerce Haryana Sector-6 at Panchkula.
- Haryana State Industrial Development Corporation through its Managing Director Sector-6 at Panchkula.
- 4. District Revenue office cum land Acquisition Collector, mini secretariat near Rajiv Chowk Gurgaon.

..Respondents

IN THE HIGH COURT FOR THE STATE\$ OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO.

OF 2015

- 1 Ombir son of Sh. Dhanpal
- 2 Sahib Singh son of Sh. Dhanpal
- 3 Sh. Satpal son of Sh. Indraj
- 4 Sh. Mahabir son of Sh. Indraj
- 5 Sh. Rajbeer son of Sh. Indraj
- 6 Surender S/o Geeta devi All Rejo VII forge. Mohmmadfur Tharso Ten. and out. Guergean

.....Petitioner

- State of Haryana through Financial Commissioner and Principal Secretary to Govt. Haryana Industries Department Haryana Civil Secretariat, Sector-17 Chandigarh.
- 2. The Director of Industries and Commerce Haryana Sector-6 at Panchkula.
- Haryana State Industrial Development Corporation through its Managing Director Sector-6 at Panchkula.
- 4. District Revenue office cum land Acquisition Collector, mini secretariat near Rajiv Chowk Gurgaon.

..Respondents

Civil Writ petition under Article 226/227 of the Constitution of India praying for issuance for directions to the respondents to give the annuity and other benefits as per the policy dated 07.12.2007 (Annexure P-1).

Any other relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be awarded.

RESEPCTFULLY SHWOETH:

- 1. That the petitioners are resident of Gurgaon and being citizens of India, they are entitled to invoke the extra ordinary writ jurisdiction of this Hon'ble Court by way of present writ petition under articles 226/227 of the Constitution of India.
- 2. That the petitioners were owners of land, which was acquired by the respondents for the development of Gurgaon industrial SEZ estate vide award No.4 dated 27.01.2006. As per the policy dated 07.12.2007 issued by the respondents petitioners are entitled for the annuity of Rs.15,000/- per acre per annum for a period of 33 years. Policy is attached (Annexure P-1). Petitioners have submitted representation also before the respondents to give the annuity and other benefits, but respondents have not given even a single penny of the annuity till today after 2008 as per the policy dated 07.12.2007. Respondents have developed SEZ in village Mohmmadpur Jharsa Distt. Gurgaon. This land was acquired under the land acquisition Act 1894. Respondents have allotted this site at the higher rates to the industrialist. This area is situated on the main highway.
- That the respondents have framed the policy for the benefit of the land owners, but the respondents have not issued the annuity and other benefits to the petitioner according to the policy dated 07.12.2007. Petitioners have submitted representation before the respondents to give the annuity according to the policy dated 07.12.2007, but the respondents have not given any reply to the petitioners till today.



- That the State Government of Haryana is a welfare State and State Government has to act for the welfare of the General Public. Respondents have framed the policy, but they are not giving benefits according to the policy. It is injustice with the petitioners, because the respondents are depriving the petitioners from the legal right. Petitioners have requested to the respondents to give the one time benefit of the annuity as compensation, but the respondents are not taking positive action on the request of the petitioners.
- 5. That the law points are involved in the writ petition are as under:
 - i) Whether the respondents are authorized to act arbitrarily?
 - ii) Whether the action of the respondents is violative of the Constitution of India?
 - iii) Whether the action of the respondent is justifiable?
 - iv) Whether the grave manifest injustice has been done with the petitioners?
 - v) Whether the respondents are competent to put the petitioners in injury and loss by not providing annuity under the policies?
- 6. That no remedy of appeal and revision under the rules applicable to the petitioners available for the relief claimed, therefore, the petitioners have no alternative remedy available to approach this Hon'ble Court by way of present writ petition Article of 226/227 of the Constitution of the India.
- 7. That the petitioners have not filed any other such or similar writ petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

It is, therefore, respectfully prayed that the entire records of the case may be called for and after perusing the same, this Hon'ble Court may be pleased to:-

- i) for issuance directions to the respondents to give the annuity and the other benefits of the policy dated 07.12.2007 issued by the respondents (Annexure P-1)
- ii) Any other relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be awarded.
- iii) Service advance notice to the respondents be dispensed with.
- iv) To allow the petition with cost in favour of the petitioners and against the respondents.
- v) Petitioners may also be permitted to place on record the photo copies of all the Annexures and filing of certified copies of all the Annexures may kindly be exempted.

PLACE: CHANDIGARH: DATED:17.08.2015

(SAND##P SHARMA)

ADVOCATE.

COUNSEL FOR THE PETITIONERS

MAMA

(5) ROSEER)

TJ Z=13 XIZ COMBIR

Positioners

VERIFICATION:-

Verified that the contents of para no. 1 to 7 of above writ petition are true and correct to my knowledge. No part of it is false and nothing relevant has been kept concealed there from.

CHANDIGARH

DATED:17.08.2015

MAHABIR

3 SULAT (2) SUND & (SAHIB SINGEN)

R) (SURENDE

O-WAIMOR

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH. C.W.P. NO. 17319 OF 2015

Ombir and others

...Petitioners

versus

State of Haryana and others.

...Respondents.

Affidavit of Ombir son of Sh. Dhanpal R/o Village Mohmmadpur Jharsa Tehsil and Distt. Gurgaon.

- I, the above named deponent do hereby solemnly affirm and declare as under:-
- That the petitioners are filing accompanying Civil Writ Petition under Article 1. 226/227 of the Constitution of India and are well conversant with the facts of the present case and has gone through the petition.
- That the contents of the para No.1 to 7 of the writ petition, the head note and 2. prayer clause may be read as part of the present affidavit.
- That the petitioners have signed the writ petition after understanding, all the 3. contents were explained to be in simple Hindi.

That the petitioners have not filed any such or similar petition previously 4. either in this Hon'ble Court or in the Hon'ble Supreme Court of India. Jenetino

CHANDIGARH

DATED:17.08.2015

VERIFICATION:-

Verified that the contents of par no. 1 to 4 of above my affidavit are true and

correct to my knowledge. No part of it is false and nothing relevant has been

kept concealed there from:

CHANDIGARH

DATED:17.08.2015

(Cematuria

HARYANA GOVERNMENT

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Notification

The 7th December, 2007

No. 5451-R-V-2007/13258.— The Governor of Haryana is pleased to formulate a policy for rehabilitation and resettlement of landowners - land acquisition oustees. The policy is given in Annexure 'A'.

- 1. The operational details, keeping in view the above policy, would be worked out by the respective departments and agencies.
- 2. This policy issues with the concurrence of the Finance Department conveyed vide their U.O. No. 1/17/2007-4FG-II/2395, dated 28th November, 2007.
 - 3. The above policy may be brought to the notice of all concerned for compliance.

DHARAM VIR,

Financial Commissioner & Principal Secretary to Government of Haryana, Revenue & Disaster Management Department.

Annexure 'A'

POLICY FOR REHABILITATION AND RESETTLEMENT OF LAND OWNERS - LAND ACQUISITION OUSTEES

1. Annuity

- (i) The land owners will be paid annuity for 33 years over and above the usual land compensation. The amount of annuity will be Rs. 15,000/- per acre per annum.
- (ii) Annuity of Rs. 15,000/- will be increased by a fixed sum of Rs.500/- every year.
- (iii) In respect of land acquired in terms of land acquisition policy for setting up of Special Economic Zone/Technology Cities, Technology Parks, in addition to rehabilitation and resettlement package notified by Industries and Commerce Department vide No. 49/48/2006-4IB1, dated 4th May, 2006, a sum of Rs. 30,000/- per acre per annum will be paid for a period of 33 years by private developers and this annuity will be increased by Rs. 1,000/- every year.
- (iv) The policy of paying annuity will be applicable to all cases of land acquisition by Govt. except land acquired for defence purposes.
- 2. Allotment of plots by Haryana Urban Development Authority and Haryana State Industrial Infrastructure Development Corporation Limited.
 - (i) The allotment will be made to each co-sharer depending upon his share in the land acquired for Haryana Urban Development Authority and Haryana State Industrial Infrastructure Development Corporation Limited as per scale mentioned in the entitlement.
 - (ii) Plots under this policy would be offered if the land proposed to be acquired is under the owner-ship of oustees on the date of publication under Section-4 of Land Acquisition Act and if 75% or more of the total land owned by the owner in that Urban Estate is acquired. Only one time benefit of this policy will be given to the land owners whose land is acquired in pocket at different times. In case, the land owner becomes entitled for a bigger size plot due to subsequent acquisition of his land then differential of the plot already allotted to him shall be allowed to him.
 - (iii) This benefit will not be allowed to the applicant whose land has been released and he will not make such request to the Government for release of his land.
 - (iv) No litigation should be pending except that of enhanced compensation in any Court.

- The maximum size of the plot to be allotted will be restricted to 350 sq. yards. Since livelihood of the farmers predominantly depends upon his agriculture income and shops, in order to provide the affected land owners/farmers a long term sustainable source of income, in addition to the residential plot, commercial sites, measuring 2.75 x 2.75 mtr. may be allotted in Haryana Urban Development Authority sectors. Such allotment shall be made to each co-sharer provided his share exceeds 2.5 acres, otherwise all the co-shares will be allotted a single site. Director, Town and Country Planning, Haryana will allow additional component of commercial use in the Sector if the booths are separately provided. In respect of Haryana State Industrial Infrastructure Development Corporation Limited, mixed land use of residential and commercial will be allowed for which a detailed scheme shall be worked out by Haryana State Industrial Infrastructure Development Corporation Limited.
- (vi) In case the land is acquired for purposes other than residential sector, the plots as mentioned in para (v) above will be allotted in the residential sector to be developed next in that urban estate.
- (vii) The development agency will earmark a separate chunk of land preferably close to the village as part of the Toshi Abadi. Area in the close vicinity of the village will be set apart not only for rehabilitation but also for necessary village social infrastructure.
- (viii) The land required for social infrastructure could either be exchanged with the land of village Panchayat or the land acquired in continuity of the village can be transferred to village Panchayat togetherwith the infrastructure developed thereon for its day to day management.
- (ix) The sale price of residential plots will be kept as the issue price of the respective plot. In the case of commercial area of kiosks i.e. 2.75 mtr. X 2.75 mtr., the sale price will be 3 times of the nodal price of the residential plot.
- (x) The Rehabilitation Policy will also be applicable to those land owners whose residential structures/ houses/ dwelling units fall within alignment of essential infrastructure services and is acquired under urgency clause.
- (xi) The plot sizes for allotment are given as under:
 - (a) In case where only land is acquired :--

Land/area acquired (each allotment)	Size of residential plot to be allotted
100 to 500 sq.yd.	3 marla
501 to 1000 sq.yd.	4 marla
1001 sq.yd. to 1/2 acre	6 marla
above 1/2 acre to 3/4 acre	8 marla
above 3/4 acre to 1 acre	10 marla
One acre and above	14 marla

(b) In case of constructed residential structures acquired, the plots sizes will be as under:-

Or

Size of the residential house acquired	Size of residential plot to be allotte	
Up-to 100 sq. yd.	50 sq.yd.	
Above 100 sq. yd and upto 200 sq.yd.	100 sq.yd.	
Above 200 sq. yd. and upto 300 sq.yd.	150 sq.yd.	
Above 300 sq. yd. and upto 400 sq.yd.	200 sq.yd.	
Above 400 sq. yd. and upto 500 sq,yd.	. 250 sq.yd.	
Above 500 sq. yd.	350 sq.yd.	

Oustees will have choice to opt for either (a) or (b) above which he will have to communicate to concerned Land Acquisition Officer 30 days of the announcement of award otherwise it will be decided by the concerned agency.

- 3. Haryana State Industrial Infrastructure Development Corporation Limited and Haryana Urban Development Authority would take steps for creation of social infrastructure and/or employment in the Villages falling within the acquired land under their policy.
- 4. The policy for allotment of plots will be applicable only for lands acquired for Haryana Urban Development Authority and Haryana State Industrial Infrastructure Development Corporation Limited.
- 5. This policy will be applicable with effect from 5th March, 2005 and cover all those cases of acquisition in which awards of compensation were announced on or after 5th March, 2005.

DHARAM VIR,

Financial Commissioner & Principal Secretary to Government of Haryana, Revenue & Disaster Management Department.

43456--C.S.--H.G.P., Chd.

MOST IMMEDIATE

From

The Financial Commissioner & Principal Secretary to Government, Haryana, Revenue & Disaster Management Department.

To

- 1. The Commissioner, Ambala, Hisar, Rohtak & Gurgaon Division.
- 2. All Heads of the Department in the State...
- 3. All the Managing Directors / Chief Executive Officers of the Boards and Corporation in the State
- 4. All the Deputy Commissioners in the State.
- 5. All the Sub Divisional Officers (Civil) in the State.
- 6. All the Land Acquisition Collectors in the State.

Memo. No. 860-R-5-2008/ 10070 Chandigarh, dated the 22-10-2008

Subject:- Introduction of Group Annuity Scheme for payment of annual funds to the landowners whose land has been acquired after 5-3-2005.

Reference: This deptt. Endst. No. 5451-R-5-2007/13260, dated the 07-12-2007.

A new Group Annuity Scheme has been introduced in Haryana State vide Notification No. 5451-R-5-2007/13258, dated 7-12-2007 for Rehabilitation and Resettlement of land owners- Land Acquisition oustees. Now on the recommendations of the Town & Country Planning Department, the following decisions will also form part of the Rehabilitation and Resettlement policy issued vide Notification No. 5451-R-5-2007/13258, dated 7-12-2007:-

- 1. The land to be acquired by the state Government for the Government of India's projects, the financial liabilities as per the State Rehabilitation and Resettlement policy will be borne by the Government of India and no such liabilities will be borne by the State Government.
- 2. In case of death of the beneficiary, the compensation will only be paid to the nominee/ nominees made by the beneficiary.
- 3. The annuity will be paid on the 1st January every year for the awards made in the previous calendar year.
- 4. The Scheme may also include banks as per decision of the competent authority,

You are therefore, requested to go ahead in the matter accordingly.

July Sy 2 Under Secretary Revenue (L. R)

for Financial Commissioner & Principal Secretary to Government, Haryana, Revenue & Disaster Management Department. ως

A copy is forwarded to all the Financial Commissioners and Principal Secretaries to Government of Haryana/ All the Commissioners and Secretaries to Government of Haryana with reference to this department U.O. No. 5451-R-V-2007/2893, dated 7-12-07 for information and necessary action.

Under Secretary Revenue (L. R)

for Financial Commissioner & Principal Secretary to Government, Haryana, Revenue & Disaster Management Department. WQ

1. All the Financial Commissioners and Principal Secretaries to

2. All the Commissioners and Secretaries to Government of Haryana.

U. O. No. 860- R-5-2008/ 2847

Chandigarh, dated the 22-10-2008

CC:

- i) Secy./ C.S. for information of worthy Chief Secretary.
- ii) PS./FCR for information of worthy FCR.

Tomles A

ANNEXURE P- 2

Statement No.19 of the Land Acquisition Act, 1894

Award No.4 date 27.1.06 purpose SEZ Village Mohmmadpur Jharsa Tehsil and Distt. Gurgaon.

Serial	Area under dispute	Khewat	Owners name &	Details of
No.	with kind of land	Khatoni	Compensation of	notification U/s
	and field No.		land and 30%	4, 6 and award
			compulsory	
			charges on amount	
			mention in column	
			no.	
26	100/114	Ombir and	23 (8-0)	•
Continue		etc.	24/1 (5-7)	
59/10			21//16/2/1 (0-8)	
			16/2/2 (0-5)	
			24 (4-0)	
			25/1 (3-0)	
			25/2 (5-0)	
			Total 97-8	

- 1 Notification u/s 4 32/1/03-4IBI dated 29-01-03
- 2 Notification u/s 32/1/03-4|Bl dated 28-01-04
- 3 Notice u/s 9 issued for 5.01.06
- 4 Date of Award 27.1.06
- 5 Possession taken 27.01.06
- 6 Compensation paid on 16.03.06

Sd/-

District Revenue Officer cum

Land Acquisition Collector

Gurgaon

TRUE COPY

ADVOCATE

ANNEXURE P-2

Statement No.19 of the Land Acquisition Act, 1894 Award No.4 date 27.1.06 purpose SEZ Village Mohmmadpur Jharsa Tehsil and Distt. Gurgaon.

Serial	Area under dispute	Khewat Khatoni	Owners name &	Details of
No.	with kind of land		Compensation of	notification
	and field No.		land and 30%	U/s 4, 6
			compulsory	and award
			charges on amount	
			mention in column	
			no.	-
26	100/114 min	Ombir-Sahab	3//1 (2-8)	
Continue		Singh sons	10 (8-0)	
59/10		Dhanpal son	20 (7-11)	
		Lakhiram 1/4 share	4//15/2 (5-8)	
	·	Satpal-Mahabir-	9//1/2 (5-2)	,
		Rajbir sons Indraj	10/1 (6-7)	.
		son Sukhram 3/8	13//12/2 (3-6)	
		share holder	13 (7-7)	
		Surender son	14 (7-7)	
!		Geeta devi	17 (8-0)	
		Daughter Indiraj	18 (8-0)	
		1/8 share holder	19/1 (2-12)	
į		vasi 1/4 share	Rs.11,710,546/-	
		holder	30% compulsory	
			charge Rs.	
			3513164/-	
			Additional Amount	
			12 %	
			Rs.4215797/-	

Total amount Rs.	
19439508/-	

- 1 Notification u/s 4 32/1/03-4IBI dated 29-01-03
- 2 Notification u/s 32/1/03-4IBI dated 28-01-04
- 3 Notice u/s 9 issued for 5.01.06
- 4 Date of Award 27.1.06
- 5 Possession taken 27.01.06
- 6 Compensation paid on 16.03.06

Sd/-

District Revenue Officer cum

Land Acquisition Collector Gurgaon

TRUE COPY

ADVOCATE

То

- 1 The Director of Industries and Commerce Haryana Sector-6 at Panchkula.
- 2. District Revenue office cum land Acquisition Collector, mini secretariat near Rajiv Chowk Gurgaon.

Subject: Representation.

R/Sir

You have acquired the applicant's land for the development of SEZ in Distt. Gurgaon vide award no.4 dated 27.01.2006. You have framed policy dated 07.12.2007 to give the annuity of Rs. 15,000/- per acre per annum for a period of 33 years. You have not paid annuity to the applicants till today according to the policy dated 07.12.2007.

- That it is specifically mentioned in para no.1 (ii) that the amount of annuity will be Rs.15000/- per acre per annum and it will be increased by a fixed sum of Rs.500/- every year.
- That the applicants have already submitted number of representation alongwith the necessary documents in your office, but you have not given any reply till today.

You are requested to give the annuity to the applicant according to the policy dated 07.12.2007.

Date: 02.10.2014

Applicant

- 1 Ombir son of Sh. Dhanpal
- 2 Sahib Singh son of Sh. Dhanpal
- 3 Sh. Satpal son of Sh. Indraj
- 4 Sh. Mahabir son of Sh. Indraj
- 5 Sh. Rajbir son of Sh. Indraj
- 6 Surender M/o Geeta devi

True Copy

Advocate

CWP No.1445 of 2015

Py 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1445 of 2015 Date of decision: 18.3.2015

Pagoda Developer LLP

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Sharma, Advocate for the petitioners in all the writ petitions.

Mr. Sudeep Mahajan, Addl.A.G.Haryana, for the State.

Mr. Deepak Sabharwal, Advocate for respondent No.3-HSIDC in CWP Nos.2330, 2331, 2344 and 2494 of 2015 and Mr. Pritam Saini, Advocate in CWP Nos.1445, 2347, 2385 and 2491 of 2015.

Ajay Kumar Mittal, J.

1. This order shall dispose of CWP Nos.1445, 2330, 2331, 2344, 2347, 2385, 2491, 2494 and 3005 of 2015 as according to the learned counsel for the parties, the issue involved in all the writ petitions is identical. However, the facts have been extracted from CWP No.1445 of

GURBAX SINGH 2015.04.23 15:31 I attest to the accuracy and integrity of this document High Court Chandigarh

2

2015.

- 2. Prayer in CWP No.1445 of 2015 filed under Articles 226/227 of the Constitution of India is for issuance of direction to the respondents to give annuity and other benefits to the petitioner as per policy dated 7.12.2007, Annexure P.1 on account of acquisition of his land.
- 3. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The land of the petitioner was acquired by the respondents for the development of Gurgaon Urban Estate and award No.4 dated 5.3.2008 was announced. As per the policy dated 7.12.2007 issued by the respondents, the petitioner is entitled for the annuity of ₹ 15,000/- per acre per annum for a period of 33 years. Inspite of submission of representation by the petitioner to the respondents, he has not been paid anything till today. According to the petitioner, the respondents have developed Chaudhary Devi Lal Industrial Model Township in Manesar, District Gurgaon in Village Dhana. The land was acquired invoking provisions of Section 17 of the Land Acquisition Act, 1894 (in short, "the Act"). The petitioner was not granted any opportunity for filing objections under section 5A of the Act. Hence the instant writ petitions by the petitioners.
- 4. We have heard learned counsel for the parties and perused the record.
- 5. A perusal of sub clause (i) of Clause 1 of the policy dated 7.12.2007, Annexure P.1 framed by the Government of Haryana, Revenue and Disaster Management Department for Rehabilitation and Resettlement of land owners shows that the land owners will be paid annuity for 33 years

GURBAX SINGH 2015.04.23 15:31 I attest to the accuracy and integrity of this document High Court Chandigarh CWP No.1445 of 2015



over and above the usual land compensation. Clause 1 of the said policy reads thus:-

"1. Annuity

- (i) The land owners will be paid annuity for 33 years over and above the said usual land compensation. The amount of annuity will be ₹ 15,000/- per acre per annum.
- (ii) Annuity of ₹ 15,000/- will be increased by a fixed sum of ₹ 500/- every year.
- (iii)In respect of land acquired in terms of land acquisition policy for setting up of Special Economic Zone Technology Cities, Technology Parks, in addition to rehabilitation and resettlement package notified by Industries and Commerce Department vide No.49/48/2006-41B1, dated 4th May, 2006, a sum of ₹ 30,000/- per acre per annum will be paid for a period of 33 years by private developers and this annuity will be increased by ₹ 1000/- every year.
- (iv)The policy of paying annuity will be applicable to all cases of land acquisition by Govt. except land acquired for defence purposes."

The amount of annuity will be ₹ 15,000/- per acre per annum which will be increased by a fixed sum of ₹ 500/- every year. Inspite of the representation submitted by the petitioners, the benefit has not been given to them.

6. On a query being put to learned counsel for the State regarding the entitlement of the petitioner to the benefit as per the policy dated 7.12.2007 framed by the Government, he was unable to dispute that the petitioners are entitled for the said benefit. Accordingly, we direct that the payment as per the policy dated 7.12.2007 be made to the petitioners on or before 30.6.2015. However, on the delayed payment, the petitioners shall also be entitled to simple interest at the rate of 8% per annum from the date

CWP No.1445 of 2015

7

when it became due till it is made to them.

7. The writ petitions stand disposed of accordingly.

(Ajay Kumar Mittal) Judge

March 18, 2015 'gs'

(Rekha Mittal) Judge

GURBAX SINGH 2015.04.23 15:31 I attest to the accuracy and integrity of this document

SANDEEP

-Advocate Enri. No. P/85/2001

VAKALATNAMA

20

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARI Combir and others Petitioner of Defendent Appellant or Petitioner VERSUS Steventyry and others Depondent Respondent KNOW ALL to whom these presents shall come that I/we the undersigned appoint SANDEEP SHARMA Punjab & Haryana High Court, Chandigarh Room No. 19, New Bar Complex Off.-cum-Resi.: # 2620, Sector 21 (Part III), Panchkula Mobile: 9216187021 to be the Advocate for the above mentioned cause, to do all the following acts, deeds and things or any of them, that is to say:-To act, appear & plead In the above-mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or in Letters Patent Appeal or review or revision or execution or in any other stage of its progress until final decision. To present pleadings, appeals, Letters Patent Appeals. Cross-objections or petitions for 2 executions, review, revision, withdraw!, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages. To withdraw or compromise the said case or submit to arbitraton any differences or disputes, that shall arise touching or in any matter relating to the said cause. To deposit, draw and receive moneys and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To employ any other legal Practitioner authorising him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so. AND I/we hereby agree to ratify whatever the Advocates or his substitute shall do in the premises and in this connection. AND I/we hereby agree not to hold the Advocates or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing. AND I/we hereby agree that in event of the whole or any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid, he shall be entitled to withdraw from the prosecution of the above said case until the same is paid and if any costs are allowed for an adjournment, the Advocates would be entitled to the same. AND I/we hereby agree that the Advocates will not be bound to appear for us if the case is transferred to any other Court or the Court sits at any place other than its normal place of sitting and if any application or Retentino is to be filed in the case, the Advocates will be entitled to a fresh fee as paid in the IN WITNESS WHEREOF I/we hereunto set my /our hands to these presents the contents of which have been explained to and understood by me/us. (SURENDER) KUMAR) day of 8 Accepted