

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11261 of 2015

Date of Decision: 27.5.2015

Mahesh Behl and another

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vasu Gambhir, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to include their land situated in village Chauma in the settlement/rehabilitation package dated 18.5.2015 as has been formulated and presented by the respondent authorities before this Court in various writ petitions.

2. Petitioner No.1 purchased plot No. P-172, measuring 160 square yards situated within the revenue estate of village Chauma, Tehsil and District Gurgaon vide registered sale deed dated 13.2.1995 (Annexure P-1) for total sale consideration of ₹ 27,200/-. On 15.2.2008, Smt. Poonam Verma wife of Shri V.S. Verma, resident of House No. 18, Block No.7, EWS, Sulem Sarai, Pritam Nagar, Allahabad (UP) executed a General Power of Attorney in favour of petitioner No.2 for the plot measuring 116 square yards situated within the revenue estate of village

Chauma, colony known as New Palam Vihar, Tehsil and District Gurgaon. On the said date, she also executed a sale agreement (Annexure P-2) with petitioner No.2 of the aforesaid plot for a total sale consideration of ₹ 2,90,000/-. Respondent No.1 issued a notification dated 25.1.2008 (Annexure P-3) under Section 4 read with Section 17 (4) of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 18.3.2008 (Annexure P-4) under Section 6 of the Act for acquisition of 46.98 acres of land situated within the revenue estates of villages Gurgaon, Harsaru, Sihi, Kherki Daula, Hayatpur, Garauli Kala, Daultabad, Tikampur, Dhanwapur, Basa, Kherki Majra Dhankot and Dhankot, Tehsil and District Gurgaon including the land of the petitioners for the development and utilization of land for 150 meters wide periphery road linking Dwarka township, Delhi from Haryana boundary to NH-8. Notices under Section 9 of the Act were issued to the petitioners who raised their respective claims vide letters dated 18.11.2009 (Annexure P-5) and dated 4.11.2009 (Annexure P-6). The award was passed on 23.12.2009 (Annexure P-7). The aggrieved landowners whose lands were acquired by the respondents filed various writ petitions. In the said writ petitions, the petitioners therein and the respondents agreed to a rehabilitation package/settlement dated 18.5.2015 (Annexure P-5). The petitioners moved a representation dated 21.5.2015 (Annexure P-9) to the respondents for being including their names in the said rehabilitation package, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 21.5.2015 (Annexure P-9) to the respondents, but

no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the competent authority/Administrator, Haryana Urban Development Authority, Gurgaon to take a decision on the representation dated 21.5.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2015
gbs

(REKHA MITTAL)
JUDGE