

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11592 of 2015

Date of Decision: 13.7.2015

Raj Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Varun Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to pay compensation of building structure.

2. The petitioner is the owner of the agricultural land measuring 21 kanal 11 marlas having 1/6th share and has constructed his house and also installed tubewell etc. He is residing there much prior to the issuance of notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"). Respondent No.1 issued a notification dated 23.2.2007 (Annexure P-1) under Section 4 of the Act followed by notification dated 20.3.2008 (Annexure P-4) under Section 6 of the Act for acquisition of the land including the land of the petitioner for the public purpose, namely, for the development of residential and

commercial, Sector 10, Mahendergarh. The petitioner filed objections under Section 5-A of the Act on 19.3.2007 (Annexure P-2). Respondent No.4 after inspecting the spot and examining the documents, vide recommendation, Annexure P-3, recommended for the release of his constructed area. As per policy dated 24.1.2011 framed by the State of Haryana, the constructed area prior to the issuance of notification under Section 4 of the Act shall not be acquired. The petitioner filed a representation dated 11.3.2013 for release of his land. The award was passed. Feeling aggrieved, the petitioner filed CWP No. 18593 of 2013 for release of his entire constructed house which was disposed of by this Court vide order dated 26.8.2013 (Annexure P-6) with a direction to re-survey of the petitioner's property and then consider his claim for the release of his structure in terms of Policy dated 26.10.2007. In pursuance thereto, the respondents vide order dated 14.1.2014 (Annexure P-7) rejected the claim of the petitioner. The petitioner made a representation dated 9.12.2014 (Annexure P-8) to various authorities including respondent No.3 for compensation of building structure, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved representation dated 9.12.2014 (Annexure P-8) to various authorities including respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representation dated 9.12.2014 (Annexure P-8), in accordance with law by passing a speaking order and after affording

an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 13, 2015
gbs

(REKHA MITTAL)
JUDGE