

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12043 of 2015

Date of Decision: 15.7.2015

Haryana Wakf Board, Ambala Cantt.

....Petitioner.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. Ghulam Nabi Malik, 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 certiorari for quashing the notifications dated 20.1.2012 (Annexure P-3) issued under Section 3(A) of the National Highways Act, 1956 (in short "the Act"), dated 14.1.2013 (Annexure P-4) under Section 3(D) of the Act, the award dated 26.2.2015 (Annexure P-5) and subsequent proceedings arising therefrom whereby its land measuring 16 marlas situated in village Sarai Khataila, Tehsil Hodel, District Palwal has been acquired.

2. Punjab Wakf Board (hereinafter referred to as "the Board") is owner of the property (mosque) measuring 16 marlas situated at village Sarai Khataila, Tehsil Hodel, District Palwal. National Highway No.2 crosses in front of the above said mosque and the land situated in front of mosque crossing the said road. The respondents issued a

notification dated 20.1.2012 (Annexure P-3) under Section 3(A) of the Act followed by notification dated 14.1.2013 (Annexure P-4) under Section 3(D) of the Act for acquisition of property of the Board. The award was passed on 26.2.2015 (Annexure P-5). The petitioner-Board moved an application dated 8.5.2015 (Annexure P-6) before respondents No.1 and 2 for release of the land in question from acquisition, 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 an application dated 8.5.2015 (Annexure P-6) to respondents No.1 and 2, 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.1 to decide the application dated 8.5.2015 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 15, 2015
gbs

(REKHA MITTAL)
JUDGE