

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Writ Petition No.21629 of 2011
Date of Decision: 28.7.2015

Sushil Khanna and another ..Petitioners

versus

State of Haryana and others ..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Shailender Jain, Senior Advocate,
with Ms. Mannu Chaudhary, Advocate, for the petitioners.

Mr. Ashok Singla, Addl.Advocate General,Haryana
for the respondents.

RAJIVE BHALLA, J. (ORAL)

The petitioners pray for issuance of a writ in the nature of mandamus, directing respondent no.1, to decide the representation filed, under Section 15-A of the Land Acquisition Act,1894 (hereinafter referred to as "the Act") read with Section 48 of the Act.

Counsel for the petitioners submits that admittedly, the petitioners have constructed a house. As per the policy framed by the State of Haryana, houses with commensurate area, have always been released from acquisition. The respondents may be directed to consider the application for release of the land, which is the site of the petitioners' houses along with commensurate area.

Counsel for the State of Haryana, admits, on instructions, that the application, filed under Section 48 of the Act, has not been considered or decided and, therefore, submits that the application

preferred by the petitioners, shall be considered and decided by the appropriate authority, exercising power under Section 48 of the Act, in accordance with law.

We have heard counsel for the parties and in view of statement made by counsel for the the State of Haryana, dispose of the writ petition by directing the Additional Chief Secretary, Urban Estate Department, State of Haryana, to consider and decide the petitioners' application, in terms of Section 48 of the Act, and in accordance with the policy framed by the State of Haryana, if applicable, within three months of the receipt of a certified copy of this order. The parties shall maintain status quo with respect to possession during the aforesaid period.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

28.7.2015
VK