

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12776 of 2015

Date of Decision: 1.7.2015

Krishan Pal Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Arun Yadav, 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 consider and to allot a plot to him under the oustee policy in accordance with his entitlement to all the co-sharer as per policy dated 18.3.1992 (Annexure P-1) and notifications dated 7.12.2007 (Annexure P-2) and dated 9.11.2010 (Annexure P-3).

2. The petitioner was owner in possession of land to the extent of 1/3rd share and 44/109 part situated within the revenue estate of village Gokal Garh, Tehsil and District Rewari vide registered sale deeds dated 4.3.2002 and 29.3.2004, respectively. In addition thereto, he was owner of the land measuring 84 marlas out of which he had already sold 23 marlas of land and he remained with 61 marlas of land which was acquired by the respondents. Government of Haryana vide notification

dated 15.11.2006 issued under Section 6 of the Land Acquisition Act, 1894 (in short "the Act") acquired 58.93 acres of land including the land of the petitioner for public purpose, namely, construction and development of outer ring road and for constructing green belt. The award was announced. The petitioner filed objections under Section 5-A of the Act. Respondent No.1 issued a policy dated 18.3.1992 (Annexure P-1) for the allotment of residential/commercial plots to the oustees in various urban estates set up by the Haryana Urban Development Authority. Thereafter, other policies were issued by the respondents. Government of Haryana vide notification dated 7.12.2007 (Annexure P-2) made a policy for rehabilitation and resettlement of landowners/land acquisition oustees and vide notification dated 9.11.2010 (Annexure P-3), the Government had issued a policy regarding the entitlement of plot of the landowners. As per the policies, the petitioner was entitled to a plot in lieu of his acquired land. He made a representation dated 12.1.2014 (Annexure P-4) to respondents No.2 to 4 for allotment of a residential plot, 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 a representation dated 12.1.2014 (Annexure P-4) to respondents No.2 to 4, 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.2 to decide the representation dated 12.1.2014 (Annexure P-4), 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 1, 2015
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(REKHA MITTAL)
JUDGE