

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14342 of 2015

Date of Decision: 20.7.2015

Darshan Lal Kapoor and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. N.C. Kinra, 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 certiorari for quashing the entire acquisition proceedings including the notifications dated 15.12.2006 (Annexure P-6) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 14.12.2007 (Annexure P-12) under Section 6 of the Act and the award dated 30.11.2009 (Annexure P-13) and to release their properties from acquisition.

2. Government of Haryana issued a notification dated 15.12.2006 (Annexure P-6) under Section 4 of the Act followed by notification dated 14.12.2007 (Annexure P-12) under Section 6 of the Act for acquisition of land of the petitioners for establishing Sector 36-A, Rohtak for public, semi public and residential purposes. The petitioners filed objections under Section 5-A of the Act on 1.2.2007 (Annexures P-7

to P-11, respectively). The award was passed on 30.11.2009 (Annexure P-13). The petitioners challenged the said notifications by way of CWP No. 4585 of 2008 which was disposed of by this Court along with other writ petitions vide order dated 29.8.2013 (Annexure P-16). A large chunk of land has been released by the respondents after the notification under Section 6 of the Act and also under the orders of this Court in various writ petitions. The petitioners are in possession of their properties except a small portion has been taken for widening the road. The licences dated 19.5.2009 (Annexure P-17) and dated 21.8.2010 (Annexure P-18) were issued to the private builders. The petitioners on their own by making an application to the revenue authorities got their khasra numbers demarcated vide report dated 23.6.2015 (Annexure P-19). They sought information under the Right to Information Act, 2005 from the respondents and came to know that they were stage managing the reports from others to reject the claim of the petitioners and had received communication dated 27.6.2014 (Annexure P-20) along with the reports of the Land Acquisition Collector dated 23.12.2013 (Annexure P-20/1), dated 20.3.2014 (Annexure P-20/2) and that of the Town Planner dated 23.12.2013 (Annexure P-20/3). The petitioners submitted a representation dated 8.5.2015 (Annexure P-21) to the respondents for release of un-utilized and unused land in Sector 36-A, Rohtak, 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 8.5.2015 (Annexure P-21) 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 respondent No.3 to decide the representation dated 8.5.2015 (Annexure P-21), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 20, 2015
gbs

(REKHA MITTAL)
JUDGE