

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16177 of 2015

Date of Decision: 7.8.2015

Shabar Ali

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Satyapal Khatri, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of mandamus directing the respondents to issue a supplementary/amended allotment letter of plot No. 330-P (one kanal), Sector 27, Panchkula at the total cost of ₹ 27,62,760/- on which rate, the application had been invited from the oustees by the respondents at the place of current rate of ₹ 69,72,000/-.

2. Government of Haryana issued a notification dated 26.6.1989 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 25.6.1990 under Section 6 of the Act for acquisition of land of the petitioner for the development of Sectors 25 to 28, Panchkula. The respondents had invited applications from the land owners in March, 2006 under oustees policy for the allotment of plots in Sectors 27 and 28, Panchkula. The petitioner's father applied for

a 10-Marla plot vide application No. 9479 along with 10% earnest money on 7.3.2006 and other co-sharer Shri Bachna Ram applied for 1 kanal plot along with 10% earnest money vide application No. 776721 on 6.4.2007. The said applications were received vide acknowledgment dated 7.3.2006 (Annexure P-1) and dated 6.4.2007 (Annexure P-2). The draw of lots was conducted on 18.9.2006 and plot No. 330-P (1 kanal), Sector 27, Panchkula was allotted in the joint name of petitioner's father and co-sharer Shri Bachna Ram and vide letter dated 10.1.2007 (Annexure P-3) said Bachna Ram was informed in this regard. As per policies dated 10.9.1987 and 18.3.1992 (Annexure P-4 Colly), the each co-sharer was entitled to get the plot according to their share of land acquired. Further as per the policies, the landowners would be given compensation for their acquired land and they would have to pay for the plots the normal allotment rate of the Haryana Urban Development Authority. However, respondent No.3 charged the current rate of the plot. Respondent No.3 issued the allotment letter dated 3.6.2013 (Annexure P-5) to the petitioner at the current rate, i.e., ₹ 16,600/- per square meter. Accordingly, the petitioner served a legal notice dated 4.7.2013 (Annexure P-6) upon respondents No.2 and 3 for not charging the current rate of the plot in question, 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 sent a legal notice dated 4.7.2013 (Annexure P-6) to respondents No.2 and 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.2 to take a decision on the legal notice dated 4.7.2013 (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 three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 7, 2015
gbs

(REKHA MITTAL)
JUDGE