

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5103 of 2015

Date of Decision: 20.3.2015

Parveen Bhayana

....Petitioner.

Versus

Haryana Urban Development Authority and others

...Respondents.

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

PRESENT: Ms. Sheenu Sura, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 decide the representation dated 28.8.2014 (Annexure P-6) with regard to the demand notice of additional price.

2. Government of Haryana vide notification dated 15.5.1997 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 14.5.1998 under Section 6 of the Act, acquired 89.87 acres of land situated within the revenue estate of village Samaspur for commercial, residential, institutional and open space for Sector 51, Gurgaon. The Land Acquisition Collector, Gurgaon vide award dated 13.5.2000 assessed compensation @ ₹ 5.40 lac per acre for chahi, ₹ 4.20 lac per acre for barani, ₹ 3.60 lac per acre for bhoad

land and ₹ 2.40 lac per acre for banjar land. The plots were allotted to the general public at the rate of ₹ 3600/- per square meters. After development of Sector-51, Gurgaon, the plots were allotted to the applicants through draw of lots in 2001. The petitioner purchased the plot from the allottee and re-allotment letter dated 7.6.2006 (Annexure P-1) was issued in his favour. The policy of HUDA for depositing enhanced compensation in court was issued on 21.12.2006. Demand notice of enhanced compensation dated 16.3.2010 (Annexure P-2) for payment at the rate of ₹ 1759.33 per square meter was issued to the petitioner. Second demand notice of enhanced compensation dated 6.7.2011 (Annexure P-3) for payment at the rate of ₹ 3983.64 per square meter was issued to the petitioner. Thereafter third demand notice of enhanced compensation dated 16.2.2012 (Annexure P-4) for payment at the rate of ₹ 5580.61 per square meter was issued to him. The petitioner made a representation dated 28.8.2014 (Annexure P-6) to respondent No.1 for reconsideration and redetermination of the recovery of enhanced compensation from the plot holders, 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 28.8.2014 (Annexure P-6) to respondent No.1, 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 take a decision on the representation dated 28.8.2014 (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

March 20, 2015
gbs

(REKHA MITTAL)
JUDGE