

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5365 of 2015

Date of Decision: 23.3.2015

Jaswant Kaur

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Harinder Singh Sandhu, 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 decide her claim for allotment of a plot under the oustees category in lieu of her land which had been acquired as per the oustees policies for rehabilitation and Resettlement of land owners.

2. The petitioner was owner in possession of the land measuring 490 square yards (45/200 shares) out of 3 kanal 12 marlas bearing khasra Nos. 2//23/1/1 (0-8), 23/2 (3-0), 24/2/1 (0-4), situated within the revenue estate of hadbast No. 58, village Patti Mehar, Tehsil and District Ambala. The land of the petitioner along with other land was acquired by the Government of Haryana vide notification dated 4.3.1983 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 27.2.1986 under Section 6 of the Act for the development and utilization of the land as institutional, residential and commercial for Sector 8, Ambala. The Land Acquisition Collector

passed award dated 23.2.1988 (Annexure P-1). The State of Haryana framed various oustees policies including polices (Annexures P-4 to P-7). The petitioner moved various representations to the respondents seeking allotment of alternative plot in lieu of the land acquired by them including the representation dated 18.7.2003 (Annexure P-8). Since no action was taken on the representations moved by the petitioner, he sent a legal notice dated 1.9.2014 (Annexure P-9) but no response has been received from the respondents. 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 1.9.2014 (Annexure P-9) to respondents No.2 and 3, but no action has so far been taken thereon. Reliance was also placed on the order dated 24.7.2014 passed by the Division Bench in **CWP No. 14391 of 2014** titled as **Gurnam Kaur and another v. State of Haryana and others** (Annexure P-10).

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.3 to take a decision on the legal notice dated 1.9.2014 (Annexure P-9), 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 23, 2015
gbs

(REKHA MITTAL)
JUDGE