

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5429 of 2015

Date of Decision: 24.3.2015

Suresh Chand Garg

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shiv Kumar, 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 allot the plot to him under the oustees category in lieu of his acquired land in Sector 21, Faridabad as per the oustees policy.

2. As per the averments made in the petition, the petitioner is owner in possession of the land measuring 18 kanals situated at village Ankhir, Tehsil Ballabgarh, District Faridabad. The land of the petitioner was acquired by the Government of Haryana vide notification dated 11.5.1990 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 8.5.1991 under Section 6 of the Act for the development of residential and commercial area, Sector 21, Faridabad. The petitioner filed a reference under Section 18 of the Act which was allowed and the petitioner was granted the amount of compensation. Respondent No.2 issued the guidelines dated 18.3.1992

(Annexure P-2) for implementing the rehabilitation and re-settlement policy for the persons whose land has been acquired. The petitioner was entitled to the allotment of a plot under the oustees quota and requested the respondents by way of legal notice dated 7.5.2013 (Annexure P-3) and the representation dated 12.6.2013 (Annexure P-4) to allot him a plot in lieu of his acquired land but no action was taken thereon. 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 7.5.2013 (Annexure P-3) and thereafter moved a representation dated 12.6.2013 (Annexure P-4) to respondents No.1 and 2, 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.3 to take a decision on the legal notice legal notice dated 7.5.2013 (Annexure P-3) and the representation dated 12.6.2013 (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

March 24, 2015
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(REKHA MITTAL)
JUDGE