

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5661 of 2015

Date of Decision: 26.3.2015

Vinod Kumar 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. Harinder Singh Sandhu, 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 Mandamus directing the respondents to decide their claim for allotment of a plot under the oustees category in lieu of their land which had been acquired as per the oustees policies for rehabilitation and Resettlement of land owners.

2. As per the averments made in the petition, the father of the petitioners was owner of 4 kanal 18 marlas of land situated within the revenue estate of hadbast No. 58, village Patti Mehar, Tehsil and District Ambala. After the death of their father, the petitioners being legal heirs filed the present petition. The land of the petitioners along with other land was acquired by the Government of Haryana vide notifications dated 26.5.1981 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 4.3.1983 under Section 6 of Act for the development and utilization of the land as institutional, residential and commercial for Sectors 8 and 9, Ambala. The Land Acquisition Collector passed award dated 23.2.1988 (Annexure P-2). The State of Haryana framed various oustees policies

including policies (Annexures P-5 to P-8). The petitioners 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-9). Since no action was taken on the representations moved by the petitioners, they sent a legal notice dated 1.9.2014 (Annexure P-10) but no response has been received from the respondents. 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 18.7.2003 (Annexure P-9) and thereafter sent a legal notice dated 1.9.2014 (Annexure P-10) 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-11).

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 take a decision on the representation dated 18.7.2003 (Annexure P-9) and legal notice dated 1.9.2014 (Annexure P-10), respectively, 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

March 26, 2015
gbs

(REKHA MITTAL)
JUDGE