

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5873 of 2015

Date of Decision: 30.3.2015

Raj 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. R.K. Verma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 respondents No.1 and 2 to implement the order dated 26.9.2014 (Annexure P-5) passed by respondent No.2 and to carry out the demarcation of the plots upon the land allotted to them. Further, a direction has been sought to respondent No.1 to decide the representations dated 22.12.2014 (Annexure P-6) and dated 15.1.2015 (Annexure P-7), respectively.

2. In the year 1983, the respondents initiated acquisition proceedings in respect of the land of village Asodha Todran, Tehsil Bahadurgarh, District Jhajjar vide notification dated 20.6.1983 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") to acquire land measuring 76 kanals. The said notification was followed by notification dated 13.2.1984 (Annexure P-2) under Section 6

of the Act as the land was required for the allotment of free residential plots to landless/homeless Harijans, members of Backward Classes and Economically weaker sections. The award was pronounced on 4.3.1985 (Annexure P-3). The petitioners were allotted the land measuring 10 kanals in village Ashodha Todran, Tehsil Bahadurgarh, District Jhajjar out of the acquired land. The possession was delivered to them, mutations were sanctioned in their names and registration of certificates of allotment were issued to them. Some of the land owners filed CWP Nos. 1617 of 2014 and 17057 of 2014 and this Court vide order dated 14.8.2014 (Annexure P-4) passed in CWP No. 1617 of 2014 disposed of the writ petition with a direction to respondent No.2 to treat the said writ petition as representation and decide the same in accordance with law. Respondent No.2 vide order dated 26.9.2014 (Annexure P-5) dismissed the said representation. Thereafter, the said order was sent to respondent No.2 for approval but no action has so far been taken. Some of the petitioners made a representations dated 22.12.2014 (Annexure P-6) and dated 15.1.2015 (Annexure P-7) to the Chief Secretary, Haryana-respondent No.1 for implementation of the order passed by respondent No.2 but no response has been received. 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 the representations dated 22.12.2014 (Annexure P-6) and dated 15.1.2015 (Annexure P-7), respectively to respondent No.1, but no action has so far been taken thereon.

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.1 to take a decision on the the representations dated 22.12.2014 (Annexure P-6) and dated 15.1.2015 (Annexure P-7), 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 30, 2015
gbs

(REKHA MITTAL)
JUDGE