

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5938 of 2015

Date of Decision: 23.4.2015

Deepak and another

....Petitioners.

Versus

Haryana State Industrial and Infrastructure Corporation and others

...Respondents.

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

PRESENT: Mr. Jagjeet Beniwal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the 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 the respondents to allot separate plots in their names being oustees in their individual share as per Rehabilitation and Resettlement of Landowners Policy dated 7.12.2007 (Annexure P-3).

2. The petitioners are owners/share holders of the land as detailed in para 2 of the petition. Out of the said land, respondent No. 4 acquired the land for the development and utilization of water works for Sector 34, Rohtak vide award dated 31.3.2008 (Annexure P-1). Again, respondent No.1 acquired the land for the purpose of water works Industrial Model Township Rohtak vide award dated 24.9.2009 (Annexure P-2) including the land of the petitioners measuring 5 kanal 5 marlas. Out of that, 4 kanal 7 marlas land has been acquired. In this way, 7 kanal land each of the petitioners was acquired from their total

land holding of 9 kanals. Accordingly, the petitioners were entitled to the allotment of a plot under oustees category as per the Rehabilitation and Resettlement of Land Owners Policy dated 7.12.2007 (Annexure P-3). The petitioners submitted representations to the respondents for the allotment of a plot under the oustees category. Respondent No.3 vide letters dated 10.10.2012 (Annexures P-4 and P-5), respectively, asked the petitioners to submit some documents for the allotment of a plot. In pursuance thereto, the petitioners submitted the requisite documents to respondent No.3. However, no action was taken thereon. Thereafter, the petitioners sent a legal notice dated 12.3.2013 (Annexure P-6) for the allotment of a plot under the oustees category, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 12.3.2013 (Annexure P-6) to respondent No.3, 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.3 to take a decision on the legal notice dated 12.3.2013 (Annexure P-6), 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

April 23, 2015
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(REKHA MITTAL)
JUDGE