

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7357 of 2015

Date of Decision: 22.4.2015

Sumant Kumar Nag and another

....Petitioners.

Versus

Haryana Urban Development Authority and others

...Respondents.

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

PRESENT: Ms. Sheenu Sura, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this 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 the representation dated 17.3.2015 (Annexure P-6) with regard to the demand notice of additional price.

2. Government of Haryana vide notification dated 15.5.1997 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 14.5.1998 under Section 6 of the Act, acquired 89.87 acres of land situated within the revenue estate of village Samaspur for commercial, residential, institutional and open space for Sector 51, Gurgaon. The Land Acquisition Collector, Gurgaon vide award dated 13.5.2000 assessed compensation @ ₹ 5.40 lac per acre for chahi, ₹ 4.20 lac per acre for barani, ₹ 3.60 lac per acre for bhodd

land and ₹ 2.40 lac per acre for banjar land. The plots were allotted to the general public at the rate of ₹ 3600/- per square meters. After development of Sector-51, Gurgaon, the plots were allotted to the applicants through draw of lots in 2001. The petitioners purchased the plot from the allottee and re-allotment letter dated 23.9.2009 (Annexure P-1) was issued in their favour. The policy of HUDA for depositing enhanced compensation in court was issued on 21.12.2006. Demand notice of enhanced compensation dated 18.3.2010 (Annexure P-2) for payment at the rate of ₹ 1759.33 per square meter was issued to the petitioner. Second demand notice of enhanced compensation dated 6.7.2011 (Annexure P-3) for payment at the rate of ₹ 3983.64 per square meter was issued to the petitioner. Thereafter third demand notice of enhanced compensation dated 16.2.2012 (Annexure P-4) for payment at the rate of ₹ 5580.61 per square meter was issued to them. The petitioners made a representation dated 17.3.2015 (Annexure P-6) to respondent No.1 for reconsideration and redetermination of the recovery of enhanced compensation from the plot holders, 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 moved a representation dated 17.3.2015 (Annexure P-6) 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 representation dated 17.3.2015 (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 22, 2015
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**(REKHA MITTAL)
JUDGE**