

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9194 of 2015

Date of Decision: 11.5.2015

Gokal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ram Bilas Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 7.2.2008 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 6.2.2009 (Annexure P-6) under Section 6 of the Act and the award dated 4.2.2011 (Annexure P-16) qua the house of the petitioner and the action of the respondents in not releasing the pakka residential house/land and acquiring the house constructed 14 years ago before the issuance of notification under Section 4 of the Act.

2. The petitioner is owner in possession of the land measuring 4 kanal 7 marlas situated within the revenue estate of Faijjupur Majra Neemka and had raised 'A' class construction of house/cattle shed on the land measuring 2 kanal 4 marlas 14 years before the issuance of notification under Section 4 of the Act. Government of Haryana declared

the land in question as R-Zone and issued licences to different developers to develop housing projects in Sectors 76, 77 and 78. State of Haryana issued notification dated 7.2.2008 (Annexure P-4) under Section 4 of the Act followed by notification dated 6.2.2009 (Annexure P-6) under Section 6 of the Act for acquisition of 544.25 acres of land situated within the revenue estate of villages Baroli, Murtezipur, Bhatola, Neemka, Fajjupur Majra Neemka and Faridpur including the land of the petitioner for the development and utilization of land for residential and commercial, Sectors 76, 77 and 78, Faridabad. The petitioner and other landowners filed objections under Section 5-A of the Act on 13.3.2008 (Annexure P-5). The land of some landowners has been released at the time of issuance of notification under Section 6 of the Act. Some of the land owners filed CWP Nos. 11083 of 2011, 11167 of 2013 and 11168 of 2011 and this Court vide orders dated 18.7.2011 (Annexures P-7 to 9, respectively) disposed of the said writ petitions having rendered as infructuous as their houses were released from acquisition. However, 'A' class constructed house of the petitioner has not been released by the respondents. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 13.2.2015 (Annexure P-28) to the respondents, 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.1 to take a decision on the representation dated 13.2.2015 (Annexure P-28), 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. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

May 11, 2015
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(REKHA MITTAL)
JUDGE