

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9983 of 2015

Date of Decision: 3.7.2015

Rohtash and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shailendra Jain, Senior Advocate with
Ms. Mannu Chaudhary, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. This order shall dispose of a bunch of three petitions bearing CWP Nos. 9983, 13023 and 13047 of 2015 as according to the learned counsel for the petitioners, identical facts and questions are involved therein. For brevity, the facts are being extracted from CWP No. 9983 of 2015.

2. 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 the respondents to allot alternative plots to them in lieu of their residential houses situated in the revenue estate of village Kherki Daula, Tehsil and District Gurgaon in similar terms as that of the final amicable settlement arrived at between the State of Haryana and other similarly situated petitioners/landowners in

other similar cases arising out of the instant acquisition process.

3. The petitioners are owners in possession of the land, as detailed in para 2 of the writ petition, situated within the revenue estate of village Kherki Daula, Tehsil and District Gurgaon and have constructed residential houses thereon. Government of Haryana vide notification dated 25.1.2008 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 18.3.2008 (Annexure P-5) under Section 6 of the Act acquired the land of various villages including the land of the petitioners for the development and utilization of land for 150 meters wide periphery road linking Dwarka Township Delhi from Haryana Boundary to National Highway No.8, near village Kherki Daula at Gurgaon. The award was passed on 23.12.2009 (Annexure P-6). Some of the landowners filed writ petitions in this Court, wherein a statement was made on 25.5.2010 by Shri Gopal Subramanyam, the then Solicitor General of India that all the petitioners therein shall be rehabilitated to suitable alternative places. Accordingly, this Court granted time to the parties to resolve the issue and arrive at the settlement. In pursuance thereto, a settlement was arrived at with other persons in some of the other writ petitions and the said writ petitions were disposed of by this Court vide order dated 29.5.2010 (Annexure P-7). However, no settlement could be arrived at in some of the writ petitions and this Court vide order dated 17.12.2010 adjourned the said writ petitions *sine die* with liberty to the State to move an application if any policy worth acting upon is framed by it. In CWP No. 8060 of 2008, respondent No.1 moved an application bearing CM No. 16336 of 2013 seeking consideration of the revised proposal of rehabilitation of the petitioners and other landowners whose houses/

plots are under acquisition. In CWP No. 8060 of 2008 and other similar matters, this Court directed the petitioners therein and the official respondents to sit together and to arrive at an amicable settlement. In pursuance thereto, the petitioners therein had three meetings with the officials respondents on 5.4.2015, 10.4.2015 and 2.5.2015 and had arrived at an amicable settlement vide minutes of meetings, Annexure P-9 (Colly). Another bunch of similar cases bearing CWP Nos. 792, 3326, 4795, 5814 and 5824 of 2013 arising out of the same notifications was disposed of by this Court vide order dated 18.7.2013 and the review petitions filed in the said writ petitions were also disposed of by this Court vide order dated 5.12.2014. The petitioners are also entitled to the similar relief as granted by this Court to other similarly situated persons. Accordingly, the petitioners moved claim petitions, Annexure P-10 colly., for the allotment of alternative plots being similarly situated to other landowners who have been offered alternative plots as well as other benefits in lieu of their acquired land/plots, but no response has been received till date. Hence, the present writ petition.

4. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved claim petitions (Annexure P-10 Colly) to the Senior Town Planner (HQ), Office of Director General, Town and Country Planning, Haryana Chandigarh, 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 petitions by directing respondent No.3 or any other officer authorized by him to take a decision on the claim petitions (Annexure P-10 Colly) or other similar representations

filed by the petitioners, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 3, 2015
gbs

(REKHA MITTAL)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13023 of 2015

Date of Decision: 3.7.2015

Baby Mishra and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shailendra Jain, Senior Advocate with
Ms. Mannu Chaudhary, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 9983 of 2015 (Rohtash and
others v. The State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

**July 3, 2015
gbs**

**(REKHA MITTAL)
JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13047 of 2015

Date of Decision: 3.7.2015

Sanjay Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shailendra Jain, Senior Advocate with
Ms. Mannu Chaudhary, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 9983 of 2015 (Rohtash and
others v. The State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

**July 3, 2015
gbs**

**(REKHA MITTAL)
JUDGE**