

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10749 of 2016

Date of Decision: 27.5.2016

Sunil @ Sunil Dutt and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

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

AJAY KUMAR MITTAL, J.

1. In this writ 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 release their land comprised in khewat No. 405, khatauni No. 467, khasra Nos. 336 (0-14-0), 338 (0-8-0), 339 (0-7-0) measuring 1 bigha 9 biswas situated within the revenue estate of village Islampur, Tehsil and District Gurgaon which had been acquired vide notification dated 27.11.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 24.11.2004 (Annexure P-4) under Section 6 of the Act.

2. The petitioners are co-owners in possession of the land comprised in khewat No. 405, khatauni No. 467, khasra Nos. 336 (0-14-0), 338 (0-8-0), 339 (0-7-0) measuring 1 bigha 9 biswas situated within the revenue estate of village Islampur, Tehsil and District Gurgaon as per jamabandi for the year 1995-96 and mutations (Annexure P-1 Colly). The petitioners have constructed a residential house thereon as per site plan, Annexure P-2, and are residing along with their families. Government of Haryana vide notifications dated 27.11.2003 (Annexure P-3) issued under Section 4 of the Act and dated 24.11.2004 (Annexure P-4) under Section 6 of the Act acquired the land of village Islampur, Tehsil and District Gurgoan including the land of the petitioners for the development and utilization of land as residential, commercial and institutional Sector 48, Gurgaon. The award was passed on 22.11.2006 (Annexure P-5). The land was acquired for Sector 48, Gurgaon forming the subject matter of the said notifications, came to fall in Sector 33, Gurgaon as per layout plan, Annexure P-6, and there was no reference of such Sector 33, Gurgaon at the time of issuance of the said notifications. Some of the landowners filed CWP No. 12470 of 2007 challenging the acquisition proceedings and this Court vide order dated 21.10.2013 directed the respondents to re-determine the claim for the release of the land of the petitioners therein after granting them an opportunity of personal hearing. In pursuance thereto, respondent No.3 vide order dated 11.8.2014 (Annexure P-7) recommended for the release of the land which subsequently came to fall in Sector 33, Gurgaon on the ground that in the said notifications, Annexures P-3 and P-4, respectively, Sector 33, Gurgaon had not been mentioned. The land of the petitioners was also liable to be released as the land of the

similarly situated landowners had been released. Accordingly, the petitioners sent a demand notice dated 27.4.2016 (Annexure P-9) to the respondents for release of the land in question, 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 demand notice dated 27.4.2016 (Annexure P-9) to the respondents, 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 demand notice dated 27.4.2016 (Annexure P-9), 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

May 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE