

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13212 of 2016 (O&M)

Date of Decision: 11.07.2016

Satya Pal Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

Present: Mr. Sandeep Sharma, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) Notice of motion. Ms. Palika Monga, DAG Haryana accepts notice on behalf of respondents No.1&2. In view of the nature of order which we propose to pass, it is not necessary to call upon respondent No.3 at this stage.

(2) The petitioner has laid challenge to the notifications dated 21.12.2009 and 17.12.2010 (P1 & P2, respectively) issued under Section 4&6 of the Land Acquisition Act, 1894 (in short, 'the 1894 Act') as well as the Award dated 20.06.2012 (P3) in respect of acquisition of his plot No.C-98 measuring 123 sq.yards situated in khasra No.52//2 min in the revenue estate of village Chauma, District Gurgaon. The precise claim of the petitioner is that he has raised residential house on the above-stated small plot much before the impugned acquisition as can be seen from the photographs placed on record. He also relies upon the additional affidavit said to have been filed by the respondents before this Court in a bunch of writ petitions wherein they agreed to exempt the residential/constructed portion from acquisition and/or to grant of benefit of land pooling scheme.

The petitioner is said to have made a representation seeking exemption

claiming that he has already constructed his residential house on the subject-

land. Since the said representation is under consideration as it appears from the communications (P11), we dispose of the writ petition with a direction to respondents No.1 & 2 to ascertain/verify the petitioner's claim and take appropriate decision regarding release of structure, if any, in the light of the decision of this Court dated 21.12.2015 based upon the additional affidavit/undertaking of respondents.

(3) Let appropriate decision be taken within four months from the date of receipt of a certified copy of this order. It shall be appreciated if the petitioner is heard in person before deciding his claim.

(4) Ordered accordingly.

(Surya Kant)
Judge

11.07.2016
vishal shonkar

(Darshan Singh)
Judge