

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17625 of 2016

Date of Decision: 29.8.2016

Lichhma Devi and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Ram Darshan Yadav, 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 allot plots to them as per the notifications dated 7.12.2007 (Annexure P-4) and dated 9.11.2010 (Annexure P-5).

2. The petitioners were joint owners in possession of the land measuring 23 kanal 12 marlas to the extent of 1/10th share each situated within the revenue estate of village Jalaiwas, Tehsil Bawal, District Rewari as per the certificates (Annexures P-1 to P-3, respectively). The said land was acquired by the State of Haryana vide notification dated 5.12.2005 issued under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 13.3.2006 under Section 6 of the Act for the public purpose, namely, for the extension of Industrial Growth Centre, Bawal to be planned as an integrated complex for industrial, recreational and other public utilities. The award was passed on 17.5.2006. As per the the Rehabilitation and Resettlement of Landowners – acquisition oustees policy dated 7.12.2007 (Annexure P-4), the plots were to be offered if the acquired land was under the ownership of the oustees on

the date of publication of notification under Section 4 of the Act. Another policy dated 9.11.2010 (Annexure P-5) was framed providing that the landowners/co-sharers whose 50% land had been acquired, they were entitled for a residential plot. Since the land of the petitioners had been acquired by the respondents in the year 2005, therefore, they were entitled to the allotment of a plot. However, no plot was allotted to the petitioners under the oustee quota. Accordingly, the petitioners sent a representation dated 7.3.2015 (Annexure P-6) to respondent No.2 for allotment of plots under oustees quota, 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 representation dated 7.3.2015 (Annexure P-6) to respondent No.2, 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.3 to take a decision on the representation dated 7.3.2015 (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

August 29, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No