

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 18130 of 2016
Date of Decision: 2.9.2016

Shish Pal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vaneet Soni, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a plot to him under the oustees category in lieu of his acquired land.

2. The petitioner was owner in possession of the land situated within the revenue estate of village Taraf Agnan, Panipat, Tehsil and District Panipat as per the sale deed dated 16.11.1982 and the jamabandi (Annexure P-1 Colly). The respondents vide notification dated 15.12.1982 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 23.2.1985 (Annexure P-3) under Section 6 of the Act acquired the land of various villages including the land of the petitioner for the development and utilization of land as residential, commercial and industrial purpose for Sectors 11, 12 and 25, Part II. The petitioner filed objections under Section 5-A of the Act. The award was passed on 27.9.1985 (Annexure P-4). Some of the landowners filed CWP No. 3707 of 1991 which was allowed by this Court vide order

dated 7.7.2010 (Annexure P-5) directing the respondents to allot 5-Marlas

plot to each petitioner therein at the same place where their land existed. Against the order, Annexure P-5, the respondents filed SLP which was dismissed by the Apex Court vide order dated 28.2.2011. Accordingly, the petitioner moved a representation dated 15.2.2012 (Annexure P-6) to respondent No.4 for allotment of a plot in Sector 12, Panipat under the oustee scheme, but to no effect. Thereafter, the petitioner sent another representation dated 18.12.2015 (Annexure P-7) to respondent No.4 for the similar relief, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent representations dated 15.2.2012 (Annexure P-6) and dated 18.12.2015 (Annexure P-7) to respondent No.4, 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.3 to take a decision on the representations dated 15.2.2012 (Annexure P-6) and dated 18.12.2015 (Annexure P-7), 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.

(AJAY KUMAR MITTAL)
JUDGE

September 2, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No