

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19711 of 2016

Date of Decision: 22.9.2016

Jagdish Singh 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. Raman Gaur, 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 execute the submitted agreements regarding the possession and ownership of the land where they have constructed residential houses pursuant to the decision taken by the State Government and communicated vide letter dated 7.1.2003 (Annexure P-3) as the terms and conditions for the release of land in Prem Colony stands complied with.

2. As per the revenue record, the land measuring 25 kanal 18 marlas of Prem Colony, Tosham Road, Hisar was under the ownership of Punjab Wakf Board. The petitioners constructed their residential houses on the said land in view of the allotment letter of lease issued by the Punjab Wakf Board and are residing there since long. Government of Haryana vide

notification dated 21.3.1991 issued under Section 4 of the Land Acquisition Act, 1891 (in short “the Act”) followed by notification dated 18.3.1992 under Section 6 of the Act acquired the land of Prem Colony, Hisar for Sectors 16-17, Hisar. The award was passed on 16.3.1994. The petitioners and other residents of the colony approached the Government for the release of the land and on 23.12.1999, the Government announced to release the land of Prem Colony, Hisar and called the report from the respondents. As per office order dated 13.12.2001 (Annexure P-1), a committee was constituted to submit report after spot inspection. In compliance to Annexure P-1, respondent No.4 submitted a list of 50 residents of the colony (Annexure P-2) wherein the names of the petitioners figured at Sr. Nos. 7, 18 and 44. In the year 2002, Government of Haryana constituted a committee for release of the acquired land of various urban estates where the representations received from the residents were found justified. The said committee conducted a meeting on 13.1.2002 to release the land of Sectors 16-17, Hisar pertaining to Prem Colony subject to various terms. The Director, Urban Estate Department, Haryana, Panchkula conveyed the decision of the committee to respondent No.3 vide letter dated 7.1.2003 (Annexure P-3) by incorporating the terms of release of the land. Respondent No.5 issued letters including letter dated 23.2.2004 (Annexure P-4) issued to petitioner No.1 to the residents of Prem Colony, Hisar demanding the development charges. In response thereto, the petitioners deposited the amount vide receipts including the receipt dated 3.3.2004 (Annexure P-5). The petitioners after the deposit of the development charges, submitted the agreement with respondent No.5 regarding the land of Sectors 16-17, Prem Colony, Hisar for execution vide letter dated

8.1.2004 (Annexure P-6). Thereafter, the petitioners sent a letter dated 11.8.2015 (Annexure P-7) to respondent No.2 for execution of the agreements, 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 letter dated 11.8.2015 (Annexure P-7) 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.2 to take a decision on the letter dated 11.8.2015 (Annexure P-7), 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

September 22, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No