

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 20610 of 2016

Date of Decision: 3.10.2016

Suresh Kumar 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. Virendra Rana, 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 them the residential plots as per their entitlement in terms of the policy dated 9.11.2010 (Annexure P-7).

2. The petitioners were owners in possession of the houses as mentioned in para 2 of the writ petition in pursuance to the awards dated 9.3.2010 (Annexures P-1 and P-2, respectively) passed by the Lok Adalat, Gurgaon. As per photographs (Annexure P-3 Colly) and the site plan (Annexure P-4), the residential houses of the petitioners were 'A' class. State of Haryana vide notifications dated 13.1.2010 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 25.1.2010 under Section 6 of the Act acquired the houses of the petitioners for the

public purpose for construction and alignment of road for Sectors 99 to 115 and 110, Gurgaon. The awards were passed on 18.6.2012 and 21.6.2012. The residential houses of the petitioners were forcibly demolished on 31.7.2015 without issuance of notices and payment of compensation. As per the photographs, Annexure P-5, the respondents carried out the developmental activities by forcibly demolishing the residential houses of the petitioners. State of Haryana issued a policy dated 18.3.1992 (Annexure P-6) for allotment of residential plots to the oustees if the land proposed to be acquired was under the ownership of the oustees prior to the issuance of notification under Section 4 of the Act. The said policy was reviewed vide policy dated 9.11.2010 (Annexure P-7). As per the policy, Annexure P-7, the petitioners were entitled for allotment of residential plots. According to the petitioners, their case is fully covered by the orders (Annexures P-8 to P-11, respectively) passed by this Court. Accordingly, the petitioners moved various representations including the representation dated 12.10.2015 (Annexure P-12) to respondent No.3 for the allotment of plots, 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 various representations including the representation dated 12.10.2015 (Annexure P-12) to respondent No.3, 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 12.10.2015 (Annexure P-12), 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

October 3, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No