

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 22577 of 2015

Date of Decision: 20.5.2016

Surinder Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. N.D. Achint, Advocate for the petitioner.

Mr. Saurabh Mago, AAG, Haryana.

Mr. Vishal Garg, Advocate for respondent No.3.

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 decide his representation dated 14.1.2015 (Annexure P-5) and to provide a passage to approach his house from the main road.

2. The petitioner is owner in possession of a house comprised in khasra No.8/1 as per jamabandi for the year 2002-03 (Annexure P-1).

Respondent No.2 vide notification dated 29.1.2003 (Annexure P-2)

issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 28.1.2004 (Annexure P-3) under Section 6 of the Act acquired the comprised in khasra No.98 in front of the house of the petitioner. The respondents carved out the industrial plots and earlier there existed a old passage approaching to the house of the petitioner and now the said passage merged in industrial plot No. 541 as depicted in the site plan, Annexure P-4. The petitioner temporarily is using the vacant land of respondent No.3 to approach his house. The petitioner moved a representation dated 14.1.2015 (Annexure P-5) to respondents No.2 and 4 for providing passage to him to approach the main road as shown in the site plan, Annexure P-4, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 14.1.2015 (Annexure P-5) to respondents No.2 and 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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 representation dated 14.1.2015 (Annexure P-5), 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

May 20, 2016
gbs

(RAJ RAHUL GARG)
JUDGE