

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 24362 of 2015 (O&M)

Date of decision: 17.02.2016

Hans Raj and Others

...Petitioners

Vs.

Union of India and Others

...Respondents

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

Present : Mr. Padam Kant Dwivedi, Advocate
for the petitioners.

Ms. Palika Monga, DAG, Haryana.

AJAY KUMAR MITTAL, J. (Oral)

1. The petitioners have filed this petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus for directions to the respondents to consider the case of the petitioner No. 3 for the employment in view of the policy dated 09.11.2010, copy of which has been annexed as Annexure P-4. The said policy has been notified by the Government of Haryana.

2. Briefly, the petitioners were owners of the land measuring 49 Kanal 10 Marla in total falling in Khewat No. 354 min, situated in the revenue estate of Jassaur Kheri as per Jamabandi. The 100% land of the petitioners were acquired by the respondents. The petitioner No. 2 is the son of petitioner No. 1 and petitioner No. 3 is the grandson of petitioner No. 1.

3. It is not disputed that award in respect of acquired land was announced on 29.12.2011 as shown in the certificate Annexure P-3 issued by the District Revenue Officer-cum-Land Acquisition Collector, Jahjjar on 13.02.2012.

4. Learned counsel for the petitioners referred to the Rehabilitation and Resettlement of Land Owners Policy (in short

'R&R Policy') issued by the Government of Haryana, vide notification dated 09.11.2010 (Annexure P-4) wherein it has been provided that the land owners would be entitled for rehabilitation and resettlement where no challenge has been laid to the acquisition proceedings under 'No Litigation Incentive' policy.

5. An application dated 15.06.2015 (Annexure P-5) was moved by petitioner No. 1 to respondent No. 6 which was within the requisite period of six months from the announcement of the award as laid down in Clause 16(iii) of the R&R Policy. A prayer has been made that despite the expiry of more than three years, no action has been taken thereon. Notice of motion in the present petition was issued to the respondents. In the written statement filed on behalf of the respondent Nos. 2, 3 and 4, it has been urged that the petitioners had not filed the application to the appropriate acquiring department/authority.

6. Be that as it may, the petitioners' land has been acquired and the petitioners have moved an application under R&R policy within limitation. Accordingly, we dispose of the present petition by directing the respondent No. 6 to forward the application dated 15.06.2012 (Annexure P-5) to respondent No. 3 within a period of one month from the date of receipt of certified copy of this order. On receipt of the said application, respondent No. 3 shall decide the same within next two months by passing a speaking order and after affording an opportunity of hearing to the petitioners in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

17.02.2016
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