

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24907 of 2016.

Date of Decision: December 02, 2016

Ram Chander Giri

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Parminder Singh, Advocate, for the petitioner.

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1. Whether Reporters of 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?

Surya Kant, J. (Oral)

The land of the petitioner situated in Anand Vihar, Residential Development Scheme No.63, Panipat was acquired vide Award dated 12.09.2005. It appears that the said land could not be utilized for the public purpose of acquisition and is still lying unattended. The Deputy Commissioner, Panipat is said to have requested the State Government vide memo dated 28.04.2016 (P-6) to release the said land from acquisition as it is stated to be of no use. The land is alleged to be in the shape of a pond and the Town Improvement Trust, Panipat has taken no action to develop the site.

Be that as it may, the petitioner now seeks a mandamus to direct the State Government to take its decision on the reference sent by the Deputy Commissioner, Panipat. It is also alleged that the petitioner has not received any compensation for the acquired land. Similarly, a 300 square

which has also not been allotted.

Having heard learned counsel for the petitioner and taking into consideration totality of the circumstances, it appears that either the petitioner is entitled to allotment of a 300 square yard plot as per the Award or the land under acquisition, if not suitable for any public purpose, can be released as recommended by the Deputy Commissioner, Panipat. However, in the event of allotment of plot, the acquired land cannot be released. Similarly, if the land is decided to be released, then no plot can be allotted.

The writ petition is accordingly disposed of with a direction to respondent No.1 to take a final decision pursuant to the recommendation made by the Deputy Commissioner, Panipat on 28.04.2016, as early as possible but not later than four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 02, 2016
mohinder

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No