

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2647 of 2016

Date of Decision: 10.2.2016

Suresh Chand

....Petitioner.

Versus

The 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. Vikram Singh, Advocate for the petitioner.

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 certiorari for quashing the notifications dated 23.8.2007 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 21.8.2008 (Annexure P-2) issued under Section 6 of the Act and all subsequent proceedings arising therefrom. Further, a prayer has been made directing the respondents to release the land of the petitioner measuring 3 kanal 19 marlas as the entire land of other co-sharers has been released out of the same khewat/khatauni in pursuance to the decision of this Court in CWP No. 1173 of 2009 decided on 16.9.2013 (Annexure P-3).
2. Respondent No.1 issued a notification dated 23.8.2007 (Annexure P-1) under Section 4 of the Act followed by notification dated

21.8.2008 (Annexure P-2) under Section 6 of the Act for acquisition of land of the petitioner for the public purpose, namely, for the development of residential and commercial sectors in Safidon. The petitioner filed objections to the said notifications. Co-sharers filed CWP No. 1173 of 2009 for the release of land measuring 15 kanal 18 marlas situated in village Safidon, Tehsil Safidon, District Jind and this Court vide order dated 16.9.2013 (Annexure P-3) allowed the writ petition and set aside the said notifications qua the co-sharers. The petitioner made a representation dated 31.7.2014 (Annexure P-5) to respondent No.2 for release of his land, but no response has been received till date. 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 31.7.2014 (Annexure P-5) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 31.7.2014 (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

February 10, 2016
gbs

(RAJ RAHUL GARG)
JUDGE