

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27124 of 2016

Date of Decision: 23.12.2016

Ishwar Chand Pahuja

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Dr. Surya Parkash, 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 mandamus seeking direction to the effect that the acquisition process issued vide notification dated 3.3.2003 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 3.3.2004 (Annexure P-3) under Section 6 of the Act and the award dated 29.12.2005 (Annexure P-4) shall be deemed to have lapsed qua his land under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “2013 Act”).

2. The petitioner is owner in possession as co-sharer of the land measuring 1 kanal 1 marla situated in village Ghasola, Tehsil and District Gurgaon as per jamabandi for the year 2011-12 (Annexure P-1). The said land was recorded in the name of Shri Jahwar Lal to the extent of 3/4th share. Said Shri Jahwar Lal died and is survived by the petitioner and his brother Shri Nand Lal Pahuja. However, the land has not been mutated in

the names of legal heirs of Shri Jahwar Lal. Government of Haryana vide

notification dated 3.3.2003 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 2.3.2004 (Annexure P-3) acquired the land measuring 135.22 acres. However, the award was passed on 29.12.2005 (Annexure P-4) for 26.40 acres only as is clear from the map (Annexure P-5). The petitioner moved a representation dated 5.11.2016 (Annexure P-6) to the respondents for the release of the land under Section 24(2) of the 2013 Act, 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 sent a representation dated 5.11.2016 (Annexure P-6) to the respondents, but no action has so far been taken thereon. Reliance has been placed upon the judgment dated 27.10.2016 (Annexure P-7) passed in CWP No. 17464 of 2007.

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.3 to take a decision on the representation dated 5.11.2016 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of four months from the date of receipt of certified copy of the order. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

December 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No