

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27197 of 2016

Date of Decision: 23.12.2016

Ashok Bathla and others

....Petitioners.

Versus

The Chief Secretary, Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep K. Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to release their 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 petitioners were owners in possession of the land measuring 1 kanal situated at village Vaidwala, Sirsa. Government of Haryana vide notification dated 15.1.2008 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 14.1.2009 (Annexure P-2) under Section 6 of the Act acquired the land situated within the revenue estate of village Vaidwala, District Sirsa including the land of the petitioners. Besides this, some other portion of the land of the petitioners was also acquired by the said notifications. The award was passed on 12.1.2011 (Annexure P-3).

Petitioner No.4 moved an application under the Right to Information Act, 2005 regarding the status of the acquired land. Vide letter dated 17.12.2014 (Annexure P-4), petitioner No.4 was informed that out of the total 19 marlas land situated at Vaidwala, Sirsa, only 9 marlas of land has been acquired vide award, Annexure P-3. Accordingly, the petitioners moved a representation dated 7.4.2016 (Annexure P-5) to the respondents for the release of their 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 petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 7.4.2016 (Annexure P-5) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 7.4.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners 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

Yes/No

Whether Reportable

Yes/No