

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4524 of 2016

Date of Decision: 29.3.2016

Sh. Shiv Kumar and another

....Petitioners.

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. Ajit Malik, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 handover the possession of their land comprising in khasra No. 90//21/2 (1-14) which was not the subject matter of award dated 17.10.2013 or to acquire the same in view of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 if the same is required by the respondents.
2. The land of the petitioners measuring 24 kanal 14 marlas situated within the revenue estate of village Sewah, Tehsil and District

Panipat was acquired by the State of Haryana vide notification dated 28.2.2013 (Annexure P-2) issued under Section 4 read with Clause (c) of Section 17 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 16.4.2013 (Annexure P-3) under Section 6 of the Act. The award was announced on 17.10.2013 (Annexure P-4). Khasra No. 90//21/2(1-14) which was not subject matter of notifications, Annexures P-2 and P-3, was not included in the award, Annexure P-4 and the same was left out from the array of acquisition but at the time of taking actual physical possession of the land, the said khasra was also taken by the respondents after announcement of the award. On coming to know about the constructions of boundary wall upon the acquired land as well as on the left out land of the petitioners, they approached the office of respondent No.3 and opposed the construction being raised upon the land which was not subject matter of the acquisition, but to no effect. Accordingly, the petitioners served a legal notice dated 7.1.2015 (Annexure P-5) upon the respondents for the handover the possession of the land in question, but no response has been received. 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 legal notice dated 7.1.2015 (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 legal notice dated 7.1.2015 (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 three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 29, 2016
gbs

(RAJ RAHUL GARG)
JUDGE