

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 663 of 2016

Date of Decision: 16.2.2016

Balbir Singh

....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.

Mr. Saurabh Mago, AAG, Haryana.

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-4) 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 residential house of the petitioner and to take action on the legal notice dated 6.10.2015 (Annexure P-9).

2. The petitioner is owner in possession of the residential

house measuring about 275 square yards situated at village Safidon, Tehsil Safidon, District Jind. 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-4) under Section 6 of the Act for acquisition of house of the petitioner for the public purpose, namely, for the development of residential and commercial Sector-9, Safidon. The petitioner filed objections under Section 5-A of the Act. The petitioner filed a representation dated 25.9.2008 (Annexure P-5) for release of the house from acquisition. The State Government framed a policy dated 24.1.2011 (Annexure P-6) for releasing the constructed houses. The respondents released the land of certain persons similarly situated to the petitioner. The land of the persons who have raised construction after the issuance of notification under Section 4 of the Act also stands released. The petitioner filed CWP No. 27737 of 2013 which was disposed of by this Court vide order dated 17.12.2013 (Annexure P-7) with a direction to the respondents to consider his claim for the release of acquired property in accordance with the policy of the State Government. In pursuance thereto, the Director General-cum-Secretary vide order dated 2.9.2014 (Annexure P-8) sanctioned the proposal to exchange the land on which house has been constructed with the vacant land of the petitioner which has wrongly been released. The petitioner was ready for the exchange of the land with his released land, but to no effect. Thereafter, the petitioner sent a legal notice dated 6.10.2015 (Annexure P-9) to the Chief Administrator, Haryana Urban Development Authority, Panchkula for release of his house, 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 legal notice dated 6.10.2015 (Annexure P-9) to the Chief Administrator, Haryana Urban Development Authority, Panchkula, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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.1 to take a decision on the legal notice dated 6.10.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two 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

February 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE