

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7434 of 2016

Date of Decision: 25.4.2016

Sanjay Kumar and others

....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 MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Vikram Singh, 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 residential houses which are the residential accommodation of the petitioners and their family and to direct the respondents to take action on their representation dated 6.1.2016 (Annexure P-6).

2. The petitioners are owners in possession of the land measuring 8 biswa and have constructed their respective residential houses thereon. Respondent No.1 issued a notification dated 25.1.2008 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 23.1.2009 under Section 6

of the Act for acquisition of residential houses of the petitioners situated in village Wazirabad, Tehsil and District Gurgaon for the development of residential Sector 52, Gurgaon and its road for respondent No.3. The petitioners filed objections under Section 5A of the Act on 18.2.2008 (Annexure P-2). The residential houses of the petitioners are very old and situated in thickly populated area as is discernible from the photographs (Annexure P-3). The petitioners filed CWP No. 6462 of 2009 challenging the acquisition proceedings and this Court vide order dated 29.4.2009 disposed of the said writ petition directing the respondents to take a decision on the applications, if any, submitted by the petitioners. The petitioners moved a representation to respondent No.1 who vide order dated 12.8.2009 (Annexure P-4) left out the area measuring 2519.25 square yards out of the total area of 4386.25 square yards. Accordingly, the petitioners filed CWP No. 17484 of 2009 challenging the order, Annexure P-4, and this Court vide order dated 4.10.2010 (Annexure P-5) dismissed the said writ petition along with other connected petitions. Thereafter, the petitioners moved a representation dated 6.1.2016 (Annexure P-6) to respondent No.1 for release of their residential houses, 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 moved a representation dated 6.1.2016 (Annexure P-6) to respondent No.1, 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.1 to take a decision on the representation dated 6.1.2016 (Annexure P-6), 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

April 25, 2016
gbs

(DARSHAN SINGH)
JUDGE