

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8400 of 2016

Date of Decision: 4.5.2016

Satish Kumar Gupta

....Petitioner.

Versus

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 SHEKHER DHAWAN.**

PRESENT: Mr. Satyapal Khatri, Advocate and
Mr. Anil Dutt, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of mandamus directing the respondents to pay the compensation according to the Right to Fair Compensation and Transparency in the Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as "2013 Act") of the land situated within the revenue estate of village Mewala Maharajpur, District Faridabad as utilized since 4.7.2012 for Delhi Metro Rail without acquisition by the respondents.

2. The petitioner had purchased plot No.6 (4041 square yards)

situated within the revenue estate of village Mewla Maharajpur, Faridabad from Shri Suresh Gupta through his attorney Shri V.R. Gupta, vide sale deed dated 6.7.1988 (Annexure P-1). He had constructed 8000 square feet of basement along with ground floor. The five rooms for security, generator and watchman along with boundary wall having 8 feet height were constructed in the year 1990 and since then he is owner in possession. The respondents issued a notification dated 4.7.2012 (Annexure P-2) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 31.12.2012 under Section 6 of the Act for acquisition of land for proposed Metro Station and parking sites. The award was passed on 29.5.2013. However, the khasra number of the land of the petitioner was not mentioned in the notifications and the award. The respondents had started the work of the Metro Rail in July, 2012 and had demolished the five rooms of the petitioner along with boundary wall for the construction of Metro Station. Accordingly, the petitioner moved applications dated 23.4.2013 (Annexure P-3), dated 9.4.2014 (Annexure P-4) and dated 1.4.2015 (Annexure P-5) to respondent No.3, for the payment of compensation. On receipt of the said applications, respondent No.3 wrote a letter dated 11.12.2015 (Annexure P-6) to the Chief Administrator, Haryana Urban Development Authority (HUDA), Panchkula for transfer of the land in favour of HUDA and payment of land utilized for the construction of Metro Rail Project. However, nothing has been done 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 applications dated 23.4.2013 (Annexure P-3), dated 9.4.2014 (Annexure P-4) and

dated 1.4.2015 (Annexure P-5) to respondent No.3, but no action has so far been taken thereon.

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 decide the applications dated 23.4.2013 (Annexure P-3), dated 9.4.2014 (Annexure P-4) and dated 1.4.2015 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 4, 2016
gbs

(SHEKHER DHAWAN)
JUDGE