

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9442 of 2016

Date of Decision: 16.5.2016

Angrej Singh

....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 MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

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 19.8.2009 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 22.1.2010 (Annexure P-2) under Section 6 of the Act, dated 25.8.2010 (Annexure P-3) under Section 9 of the Act and the award dated 7.9.2010 (Annexure P-4). Further, a writ of mandamus has been sought directing the respondents to allot the alternative sites to the petitioner in lieu of his acquired residential house for rehabilitation as had been done in the case of other similarly situated persons.

2. The respondents vide notification dated 19.8.2009 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 22.1.2010 (Annexure P-2) under Section 6 of the Act acquired the residential house of the petitioner measuring 250 square yards for the public purpose for extension of Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan District Sonapat. Thereafter, notification dated 25.8.2010 (Annexure P-3) was issued acquiring the land of the petitioner as earlier the land of the petitioner bearing khewat No.17, khata No.21 residential house measuring 250 square yards was not acquired. The award was passed on 7.9.2010 (Annexure P-4). Similar situated persons having adjoining houses filed CWP No.13932 of 2011 for releasing their houses from acquisition as per the policy of the Government as no constructed house can be acquired. This Court vide order dated 11.8.2011 (Annexure P-5) disposed of the said writ petition directing the respondent-State to consider the claim of the petitioners therein for rehabilitation sympathetically and an attempt be made to provide plots on vacating their land as per the policy. When no action was taken by the respondents in pursuance to the order dated 11.8.2011 (Annexure P-5), they filed CWP No. 22654 of 2013. This Court vide order dated 17.8.2015 disposed of the said writ petition when it was stated therein that a 5-Marla plot had been allotted to the petitioners therein and the possession of the same would be handed over within one month and the petitioners therein would vacate the land in question within six months. On coming to know that the alternative plot had been allotted to the other similarly situated persons, the petitioner moved an application dated 4.9.2015 (Annexure P-7) to respondents No.1 and 2 for allotment of alternative site in lieu of his acquired residential 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 moved an application dated 4.9.2015 (Annexure P-7) to respondents No.1 and 2, 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 application dated 4.9.2015 (Annexure P-7), 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 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE