

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.11068 of 2017
Date of decision:22.05.2017

Hukam Chand and others ... Petitioners

Vs.

State of Haryana and others ... Respondents

CWP No.11115 of 2017

Harkishore and others ... Petitioners

Vs.

State of Haryana and others ... Respondents

CWP No.11101 of 2017

Yashpal and others ... Petitioners

Vs.

State of Haryana and others ... Respondents

CWP No.11098 of 2017

Jai Singh and others ... Petitioners

Vs.

State of Haryana and others ... Respondents

CWP No.11068 of 2017

{2}

CWP No.11095 of 2017

Parmod Arora

... Petitioner

Vs.

State of Haryana and others

... Respondents

CWP No.11069 of 2017

Shri Ram and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CWP No.11257 of 2017

Ram Kishan and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CWP No.11134 of 2017

Kamlesh Arora

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vikrant Hooda, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

This order of mine shall dispose of 8 writ petitions bearing Nos.11068, 11115, 11101, 11098, 11095, 11069, 11257 and 11134 of 2017.

The contention of learned counsel for the petitioners is that State of Haryana promulgated notification dated 17.04.2002 showing the intention of acquiring the land of the petitioners along with other people for the purpose of residential, commercial and institutional for Sector 1 (Part) 10-11 (Part) 12 and 13 Bahadurgarh in the revenue estate of village Bahadurgarh, Hadbast No.38, Balore, Hadbast No.64, Sarari Aurangabad, Hadbast No.44 and village Barkatabad, Hadbast No.63, Tehsil Bahadurgarh, District Jhajjar (Annexure P-1.).

The petitioners filed the objections under Section 5 of Land Acquisition Act 1894 (hereinafter referred to as "1894 Act") but the Government authorities without considering the same issued the notification under Section 6 of 1894 Act, vide Haryana Government Gazette 10.04.2003, for acquiring the land of the petitioners (Annexure P-2). However, the aforementioned notifications were challenged in this Court, vide various writ petitions and this Court, vide order dated 21.04.2014 quashed the notifications. The Government preferred SLP before the Hon'ble Supreme Court which vide order dated 11.05.2016 (Annexure P-5) has also been dismissed. Thereafter, the petitioners have been seeking indulgence of the authorities for correction of the mutation.

He further submits that owing to the provisions of Section 16 of 1894 Act, the entry in the revenue record with regard to symbolic

possession has been recorded in favour of the State but the physical possession is with the petitioners. The petitioners have been approaching the respondents for sanctioning of the mutation in their name but no reply has been received so far despite submission of legal notice to the Deputy Commissioner.

He further submits that he will be satisfied if direction is issued to respondent No.2 for taking appropriate action on the legal notice dated 01.06.2016 (Annexure P-6) within a stipulated period.

Without going into the merits and demerits of the matter, I direct respondent No.2 to consider the legal notice dated 01.06.2016 (Annexure P-6) served upon him by the petitioners and sanction mutation in favour of the petitioners if there is no other acquisition proceedings against them and thereafter pass a speaking order thereon in accordance with law. Though prima facie notifications under Sections 4 and 6 have already been set aside and the matter had attained finality upto the Hon'ble Supreme Court.

Let the aforementioned exercise be done within a period of 45 days from the date of receipt of certified copy of this order.

The writ petitions are disposed of with the above direction.

May 22, 2017

savita

Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No