

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

CWP No.26327 of 2017
Date of decision: 21.11.2017

Vijay Nirmohi

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amit Choudhary, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

Notice of motion.

Ms. Safia Gupta, AAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statement(s)/counter affidavit(s) on behalf of the respondents is indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being finally disposed of.

Vide this petition, under Article 226/227 of the Constitution of India, a writ in the nature of mandamus is being prayed, directing the respondents to issue an instrument of annuity to the petitioners on account of the acquisition of their land, in accordance with the RR Policy, dated 07.12.2007 (Annexure P1) and other benefits. Vide notification dated 04.07.2006, issued under Section 4 of the Land Acquisition Act, 1894, a land measuring 724.82 acres, including the land owned by the petitioners, was sought to be acquired for development and utilization of land as

residential, commercial Sectors 9, 10, 11 & 11-A, Fatehabad. The Land Acquisition Collector, vide award dated 31.03.2008, assessed the market value of the acquired land and the petitioners were accordingly disbursed the compensation. So much so, the enhancement made by the Reference Court as also this Court in the compensation awarded to the claimants has also been realized by the petitioners. However, the limited grievance that the petitioners have is that the respondents have failed to credit the amount in the shape of annuity for the years 2015-16 and 2016-17, which they are entitled to owing to the acquisition of their land holding. It is submitted that the petitioners have even represented to the respondents vide representation dated 26.07.2017 (Annexure P3), but to no avail.

In response, learned State counsel submits that the claim of the petitioners as also their representation/legal notice dated 26.07.2017 (Annexure P3) which the respondents are alleged to have been served, shall be considered and decided within a period of six weeks from today and the appropriate orders, in accordance with law, shall be passed.

Accordingly, the petition is disposed of in the above terms. Needless to assert that in the event the petitioners are not found entitled to the relief being claimed, the competent authority shall pass a comprehensive order assigning reasons in support thereof.

November 21, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO