

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.4282 of 2017

Date of Decision: 3.3.2017

Shri Ganesh CGHS Ltd., Gurgaon and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Sandeep Sharma, 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 certiorari for quashing the notice dated 24.2.2016 (Annexure P-3) demanding additional price of ₹ 1958.27 per square yards qua the land allotted to the petitioners.

2. The petitioners vide Resolution (Annexure P-1 Colly) authorized their signatories to file the present writ petition in this Court. Vide allotment letter dated 27.12.1999 (Annexure P-2), the petitioners have been allotted the land on free hold basis for Group Housing Site under GHS-98 Scheme at Gurgaon. The respondents vide notice dated 24.2.2016 (Annexure P-3) demanded additional price of ₹ 1958.27 per square yards of the allotted land. As per the breakup document (Annexure P-4) received from respondent No.4, the interest at the rate of 15% from 10.5.1997 to 10.3.2016 (6756 days) had been included in the demand. The land of

villages Ghata and Wazirabad was acquired by the State of Haryana vide notifications 17.4.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 16.4.1990 under Section 6 of the Act for establishment of commercial Sectors 55 and 56 (old Sectors 49 and 50), Gurgaon. The award was passed on 5.7.1990. Thereafter, the Haryana Urban Development Authority (HUDA) launched a Scheme under the nomenclature of GHS-1990. The price for the society land was fixed @ ₹ 1174.50 per square meter. The land owners challenged the award dated 5.7.1990 and the reference Court vide award dated 15.2.1996 enhanced the compensation to ₹ 9,15,000/-. However, the Supreme Court vide judgment dated 31.3.2010 assessed the compensation @ ₹ 8,23,500/- per acre. In compliance therewith, respondent No.3 issued a memo dated 2.12.2010 (Annexure P-5) fixing the amount payable by the allottees @ ₹ 518.55 per square yard and refund of the excess amount along with interest to the allottees. Thereafter, the petitioners filed representations dated 16.3.2016 (Annexure P-6 Colly) to respondent No.3 for withdrawal of the impugned notices, 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 sent the representations dated 16.3.2016 (Annexure P-6 Colly) to respondent No.3, 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.3 to take a decision on the representations dated 16.3.2016 (Annexure P-6 Colly), 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

March 3, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No