

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.4505 of 2017

Date of Decision: 6.3.2017

Jhabar 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. Mohit Garg, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 mandamus directing the respondents to deposit the amount of compensation qua the land acquired vide notification dated 7.8.2013 issued under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (in short “the Act”) followed by declaration dated 31.7.2014 under Section 6 read with Section 17 of the Act, the award dated 29.7.2016 (Annexure P-1) and disburse the same to the petitioners.

2. The petitioners are owners in possession of the land measuring 4 bigha and 4 biswansi situated within the revenue estate of village Shikohpur, Tehsil Manesar, District Gurgaon and over some portion of the said land, they had also constructed their respective houses. Government of Haryana vide notification dated 7.8.2013 issued under Section 4 read with Section 17(1) of the Act followed by notification dated 31.7.2014 under Section 6 read with Section 17 of the Act acquired the said land. Notices under Section 9 of the Act were issued to the petitioners on 22.6.2016 (Annexure P-2 Colly). The award was passed on 29.7.2016 (Annexure P-1).

under Section 9 of the Act was issued, and mutation, Annexure P-3 was sanctioned in their favour. Vide report dated 29.7.2016 (Annexure P-4), the respondents had taken possession of the land in question. The petitioners submitted all the documents to the respondents on 2.8.2016 for the release of the compensation amount, but to no effect. Accordingly, the petitioners moved a representation dated 9.1.2017 (Annexure P-5) to respondent No.3 for releasing the amount of compensation, 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 a representation (Annexure P-5) 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 representation (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioners are found entitled to the amount of compensation, the same be released to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

March 6, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No