

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1780-2018

Date of Decision: 29.1.2018

Sushma Malik

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Vaneet Soni, 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 mandamus directing the respondents to allot a plot to her under the oustees category in lieu of her acquired land.

2. The petitioner was owner in possession of the land situated within the revenue estate of village Taraf Agnan, Panipat, Tehsil and District Panipat as per the sale deed dated 16.11.1982 and the jamabandi (Annexure P-1 Colly). The respondents vide notification dated 15.12.1982 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 23.2.1985 (Annexure P-3) under Section 6 of the Act acquired the land of various villages including

the land of the petitioner for the development and utilization of land as residential, commercial and industrial purpose for Sectors 11, 12 and 25, Part II. The petitioner filed objections under Section 5-A of the Act. The award was passed on 27.9.1985 (Annexure P-4). Some of the landowners filed CWP No. 3707 of 1991 which was allowed by this Court vide order dated 7.7.2010 (Annexure P-5) directing the respondents to allot 5-Marlas plot to each petitioner therein at the same place where their land existed. Against the order, Annexure P-5, the respondents filed SLP which was dismissed by the Apex Court vide order dated 28.2.2011. Accordingly, the petitioner moved a representation dated 9.3.2012 (Annexure P-6) to respondent No.3 for allotment of a plot in Sector 12, Panipat under the oustee scheme, but to no effect. Thereafter, the petitioner sent other representations dated 12.6.2014, 21.10.2015 and 23.6.2017 (Annexures P-7 to P-9, respectively) to respondent No.3 for the similar relief, 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 sent representations dated 9.3.2012, 12.6.2014, 21.10.2015 and 23.6.2017 (Annexures P-6 to P-9, respectively) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.2 to take a decision on the representations dated 21.10.2015 and 23.6.2017 (Annexures P-8 and P-9, respectively), 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

January 29, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes