

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

CWP No.25212 of 2016

Date of Decision:15.01.2018

Pyar Chand and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present:- Mr. Surender Pal, Advocate for the petitioners.

Mr. Ankur Mittal, Addl. Advocate General, Haryana.

SURYA KANT, J. (Oral)

Claim in this writ petition pertains to the release of a plot measuring 9 Biswa (18 marlas) comprising khasra No.221 situated at Village Manakpur Devilal, Tehsil Kalka District Panchkula which was part of the acquisition carried out through notifications dated 30.11.2006 and 28.11.2007 issued by State of Haryana under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively.

The primary contention of the petitioners, as noticed in the order dated 06.12.2016, is that the award was passed in the year 2009 but six years thereafter, the adjoining vacant plot owned by an official working as Kanungo in Haryana Urban Development Authority, has been released. The site plan Annexure (P-5) is relied upon to show that the plot owned by the petitioners is adjacent to the plot of HUDA official released in the year 2015. The instances of release of other residential houses or plots are also relied upon by the petitioners.

Despite sufficient opportunities and persistent instructions sought by the learned State Counsel, no written statement has been filed by the official respondents. Learned State Counsel submits that today also no one has turned up from the Department to assist him in the matter. In these circumstances, we are constrained to hold that the averments made by the petitioners have gone un rebutted are deemed to have been admitted.

In view of this uncontroverted position, the writ petition is allowed. The respondents are directed to release the plot of the petitioners or alternatively, acquire all the adjoining vacant plots so as to eliminate the ground of discrimination. In case the adjoining vacant plots are not acquired within a period of three months, the plot of the petitioners shall stand released subject to their deposit of development charges etc., if any.

(SURYA KANT)
JUDGE

January 15, 2018
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(SHEKHER DHAWAN)
JUDGE