

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23956-2017

Date of Decision: January 16, 2018

Kanwar Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR. JUSTICE SHEKHER DHAWAN

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Vivek Khatri, Advocate for the petitioners.

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SURYA KANT, J.

Notice of motion.

[2] On our asking, Mr.Ankur Mittal, Additional Advocate General, Haryana, alongwith Mr.Manoj Dhankhar, AAG, Haryana, who is present in Court, accepts notice on behalf of all the respondents. Let six sets of paper-book be handed over to him during the course of day.

[3] In view of the nature of the order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents.

[4] The petitioners are residents of village Deva, Tehsil and District Hisar. Their land comprising Khasra Nos.131 and 132 situated within the revenue estate of their village was acquired by State of Haryana vide Notifications dated 18.12.1980 and 18.08.1991 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 respectively. The land was acquired for construction of a road from village Deva to Muklan. The short grievance in

the instant writ petition is that a part of the acquired land was utilised by the

respondents-authorities for construction of the said road, but substantial part of the acquired land is lying unutilised and is of no use for the respondents. It is submitted that the road with requisite width has already been constructed and the remaining acquired land is lying unutilised. The petitioners have, after waiting for a long time for the utilisation of the left out land, made representations to the authorities that their unutilised land may be released from acquisition. We find that such claim has been raised by the petitioners vide representations dated 15.10.2011, 26.07.2012 and 01.09.2016, Annexures P6 to Annexures P8 respectively, but finding no response thereto, the instant writ petition has been filed.

[5] Having heard learned counsel for the parties it appears to us that though it is for the respondents-authorities to decide whether or not the acquired land is to be utilised for a public purpose, however, in the light of the specific averments made by the petitioners that a part of the acquired land is still lying unused for decades, we deem it appropriate to dispose of this writ petition with a direction to the respondents to decide the above-mentioned claim of the petitioners by way of a reasoned order within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

January 16, 2018
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(SHEKHER DHAWAN)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No