

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

**CWP No.25971 of 2017
Date of Decision: 18.01.2018**

Gurnek Singh & Ors.

...Petitioners

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Anil Kshetarpal**

Present: Mr. SS Kamboj, Advocate for the petitioners

SURYA KANT J. (Oral)

(1) The petitioner along with his family members had earlier approached this Court through CWP-9591-2014 (P5) seeking quashing of the acquisition of his land measuring 20 biswas comprising khewat/khatauni No.22/35 khasra No.377/241. The land was statedly purchased through two registered sale deeds bearing No.617 and 618 dated 09.10.2003. The said writ petition was disposed of by this Court vide order dated 19.05.2014 with a direction to the authorities to consider the claim of writ-petitioners in the light of an earlier decision of this Court rendered in CWP No.25012 of 2013 (Balwinder Singh Dhiman & Ors. vs. State of Haryana & Ors.) decided on 15.11.2013.

(2) The present grievance of the petitioners is that though in compliance to the above-stated directions issued by this Court, the Land Acquisition Collector, Urban Estate, Panchkula vide memo dated 28.09.2016 informed the Tehsildar, Kalka that the land comprising khasra No.242-243 Salam, 357/231 min south and khasra No.241 min north, total measuring 13 bigha 13 biswa has been released from acquisition but the

sons of Karam Chand. In other words, the petitioners' grievance is that the land which they purchased vide above-stated two sale deeds has been, in a way, transferred in favour of Ram Kishan and Banarasi Dass sons of Karam Chand. The petitioners approached the authorities vide representations dated 11.08.2017 and 16.08.2017 (P11 and P12) but finding no response, the instant writ petition has been filed.

(3) Having heard learned counsel for the petitioners, we find that the writ petition essentially raises a question of fact with regard to the khasra Nos. which have been ordered to be released. Such like factual issues can be effectively decided by the Revenue authorities. The writ petition is thus disposed of with a direction to the Land Acquisition Collector, Urban Estate, Panchkula and Tehsildar, Kalka to hold a fact-finding enquiry; determine as to whether the petitioners own any part of the land which has been ordered to be released vide memo dated 28.09.2016 and if it is found that the land allegedly purchased by the petitioners is also included in the release order, let necessary entry to this effect be made in the revenue record.

(4) Let the needful be done after hearing all the concerned within a period of three months from the date of receipt of certified copy of this order.

(5) Ordered accordingly.

(Surya Kant)
Judge

18.01.2018
vishal shonkar

(Anil Kshetarpal)
Judge

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

Yes
No