

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-3855-2017

Date of Decision: 12.2.2018

Smt. Indrawati and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

**PRESENT: Mr. Sushil K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate for the petitioners.**

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

**Mr. Baldev Raj Mahajan, Senior Advocate with
Mr. Deepak Sabharwal, Advocate for the respondent-HUDA.**

AJAY KUMAR MITTAL, J.

1. In this 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 allot a residential plot measuring 450 square meters to them as per Clause 8(i) of RR Policy dated 9.11.2010 (Annexure P-2) in lieu of acquisition of their land situated within the revenue estate of village Chauma, Tehsil and District Gurugram.

2. The husband of petitioner No.1 and father of petitioners No.2 to 5, namely, Shri Azad Singh, was owner of the land measuring 7 acres 3 kanals situated within the revenue estate of village Chauma, Tehsil and District Gurugram as per jamabandi for the year 2005-06 (Annexure P-1).

He died on 2.12.2016 leaving behind the petitioners as his legal heirs. As per the RR policy dated 9.11.2010 (Annexure P-2), the petitioners were entitled to the plot of 450 square meters each. The respondents had issued a public notice, Annexure P-3, to allot the plots by way of draw of lots to the oustees whose houses had come in the Northern Peripheral Road for which the land was acquired. The land of the petitioners was acquired by issuance of a notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by a notification under Section 6 of the Act. Shri Azad Singh filed objections (Annexure P-4) under Section 5A of the Act. The award was passed on 20.6.2012 (Annexure P-5). The said acquisition was challenged by Shri Azad Singh and others by way of CWP-1578-2015 and this Court vide order dated 21.12.2015 disposed of the said writ petition. In pursuance thereto, the petitioners therein moved an application for land pooling in accordance with the Land Pooling Scheme floated by the respondents vide notification dated 10.9.2012 (Annexure P-6). Shri Azad Singh moved an application dated 29.1.2016 (Annexure P-7) along with documents for participation in the Land Pooling Scheme. The petitioners moved a representation dated 12.1.2017 (Annexure P-9) to the respondents for the allotment of plots in lieu of acquisition of their land, but no response has been received till date. Further, the petitioners contested the reference filed by Shri Azad Singh under Section 18 of the Act and the said reference was decided by the Reference Court vide order dated 17.1.2017 (Annexure P-10). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners has moved a representation dated 12.1.2017 (Annexure P-9) to the respondents, but no action has so far been

taken thereon. He, however, prayed that liberty be granted to the petitioners to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of six months from the date of receipt of the representation. The petitioners shall be entitled to lead any evidence to substantiate their claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

February 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes