

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5467 of 2018.

Date of Decision: March 07, 2018

Chander Pal and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sandeep Sharma, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The land of the petitioners was acquired vide notifications dated 14.08.2008 and 30.08.2008 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, respectively, read with Section 17 thereof, for the purpose of construction of master plan roads of Sectors 75 to 89 as per the development plan of Urban Estate, Faridabad. The Award was passed on 27.08.2010.

The case of the petitioners is that though their land was acquired by invoking urgency clause for the construction of roads, but neither the Urban Sector adjoining their land was developed nor the roads have been constructed and their land is still lying unutilized. It is thus contended that no public purpose is achieved by acquiring their land. The petitioners consequently seek a mandamus to direct the respondents to release their land from acquisition.

The petitioners had earlier also approached this Court through CWP No.5614 of 2014 which was dismissed as pre-mature on 25.03.2014 with the observations that the petitioners may approach the Competent

Authority for the release of their land if Sector-79, Faridabad has not been developed as per the conceptualized plan. The petitioners have thereafter represented the authorities including the State Government on 10.04.2014 (P-14) and as per the information received under the Right to Information Act, their representation has not been decided so far.

In this view of the matter and keeping in view the above-mentioned factual stand taken on behalf of the petitioners, the instant writ petition is disposed of with a direction to the State of Haryana, Urban Estate Department, to consider and decide the above-mentioned claim of the petitioners by way of a reasoned order, within a period of four months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 07, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No