

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6255-2018

Date of Decision: 14.3.2018

Paras Cooperative Group Housing Society Ltd., Faridabad

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajiv Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the demand notice dated 30.11.2017/24.11.2017 (Annexure P-2) issued by respondent No.4.

2. Initially, the petitioner was allotted Group Housing Site No.13, Sector 45, Faridabad on freehold basis vide allotment letter dated 30.3.2007 (Annexure P-1). Since, the possession could not be delivered to the petitioner, in the alternative Group Housing No.20 (GH-20), Sector 46, Faridabad was allotted vide allotment letter dated 24.1.2012 (Annexure P-1). The petitioner made the entire price of the site to the Haryana Urban Development Authority (HUDA) and nothing remained due. Respondent No.4 vide demand notice dated 30.11.2017/24.11.2017 (Annexure P-2)

directed the petitioner to make the payment of ₹ 43,35,104/- as enhanced

compensation. This Court vide order dated 9.3.1990 (Annexure P-3) passed in CWP-13026-1989 held that the HUDA can charge the enhanced compensation within 30 days from the date of order or in installments as per the mode accepted and agreed to by the HUDA. Government of Haryana vide notification dated 22.8.1988 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), acquired the land situated in village Mewla Maharajpur, Faridabad for creation of Sector 46, Faridabad. The award was passed on 30.3.1990. The landowners filed reference under Section 18 of the Act and the Additional District Judge, Faridabad fixed the rate @ 101/- per square yard against which the landowners filed appeal in this Court which was dismissed vide judgments dated 24.12.1993 and 20.5.1994. However, in LPA-920-1994, this Court vide award dated 27.7.2005 (Annexure P-4) awarded compensation @ ₹ 200/- per square yard. Similarly, vide notification dated 30.4.1986 issued under Section 4 of the Act, 84.96 acres of land was acquired and the award was passed on 28.12.1988 @ 28/- per square yard. Feeling aggrieved by the said award, the landowners filed reference under Section 18 of the Act and the Additional District Judge, Faridabad fixed the compensation @ 25/- per square yard against which the landowners filed appeal in this Court and this Court vide judgments dated 24.12.1993 and 20.5.1994 awarded ₹ 35/- per square yard. However, this Court vide judgment dated 27.7.2015 (Annexure P-5) in LPA-227-1996 awarded compensation @ ₹ 175/- per square yard. The HUDA vide letter dated 9.5.1990 (Annexure P-6) issued instructions that the authorities can charge the enhanced compensation within 30 days from the date of order. Accordingly, the petitioner moved a representation dated 11.12.2017 (Annexure P-7) to respondent No.4 for

withdrawal of the demand notice (Annexure P-2) as they were not liable to pay any enhancement, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 11.12.2017 (Annexure P-7) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representation dated 11.12.2017 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 14, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No