

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-858-2018

Date of Decision: 18.1.2018

Krishan Lal Malik and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Harkesh Manuja, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notices including the notice dated 11.10.2017 (Annexure P-1) issued to them by respondent No.3 for depositing the enhanced cost of plots allotted to them in Sector 5, Rohtak in the year 2013 @ ₹ 4317/- per square meters. Further, a writ of mandamus has been sought directing the respondents to provide detailed statement of account to the petitioners regarding the calculation and computation of enhanced cost.

2. Originally the land measuring 455.14 acres was acquired by the State of Haryana vide notification dated 4.1.2002 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification

dated 31.12.2002 under Section 6 of the Act for the development of Sectors 4 and 5, Rohtak. The award was passed on 29.12.2004. The landowners filed references under Section 18 of the Act for enhancement of compensation and the Additional District Judge, Rohtak vide award dated 24.12.2010 enhanced the compensation to ₹ 8,65,435/- per acre along with other statutory benefits. The compensation was further enhanced to ₹ 18,31,500/- per acre by this Court vide order dated 1.9.2014. Thereafter, respondent No.3 issued notices including the notice dated 11.10.2017 (Annexure P-1) to the petitioners being allottees of residential plots in Sector 5, Rohtak to deposit the enhanced cost @ ₹ 4317/- per square meters. In response thereto, the petitioners moved the representations dated 1.11.2017 and 17.11.2017 (Annexures P-2 and P-3, respectively) to respondents No.2 and 3, but no response has been received till date. The plots had been floated in the year 2012 and were allotted to the petitioners vide one of the allotment letters dated 28.6.2013 (Annexure P-4) and the enhancement as ordered by the Additional District Judge, Rohtak vide order dated 24.12.2010 was already accounted for while fixing the original price for allotment of plots. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent the representations dated 1.11.2017 and 17.11.2017 (Annexures P-2 and P-3, respectively) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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.3 to take a decision on the representations dated 1.11.2017 and 17.11.2017

(Annexures P-2 and P-3, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 18, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No