

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

**Civil Writ Petition No.33095 of 2018
Decided on : 21.12.2018**

Sanjay and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Savita Dhanda, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The petitioners seek a writ in the nature of mandamus under Article 226 of the Constitution of India directing the respondents to release/make payment of annual annuity amount to the petitioners on account of acquisition of their land for construction of Jind-Gohana-Sonepat Railway track. The claim is made on the basis of Rehabilitation and Resettlement of Land-owners-Land Acquisition Oustees Policy dated 09.11.2010 (Annexure P-3) circulated by the respondent No.1.

The petitioners have pleaded that they were owners of the land, as detailed in para 2 of the writ petition and the land was acquired vide notification dated 08.10.2008 under Section 4 read with Section 17 by resorting to the urgency provisions under the Land Acquisition Act, 1894. The award was passed on 05.06.2009 (Annexure P-1) and there was a policy dated 07.12.2007 (Annexure P-2) wherein the benefits of annuity were to be given to the landowners which was revised by subsequent notification dated 09.11.2010.

Counsel further submits that on 24.07.2018 (Annexure P-4), representation has also been served upon the respondents regarding this aspect and the petitioners would be satisfied if the respondent No.1 takes a decision on the said representation within a prescribed period.

Notice of motion.

On the asking of the Court, Ms. Vibha Tewari, AAG Haryana accepts notice on behalf of respondents No.1&4. Copy supplied. Thus, this Court is of the opinion that response is not required from the respondents at this point of time since the decision-making process is still incomplete.

Accordingly, without commenting on the merits of the case and keeping in view the above facts and circumstances, a direction is issued to the respondent No.1 to take decision on the representation dated 24.07.2018 (Annexure P-4) within three months from the date of receipt of certified copy of this order. In case the petitioners are held entitled for payment of annuity, the same shall be released thereafter. However, in case there is any legal impediment and the petitioners are found not entitled for the amount, the respondent shall pass a speaking order and communicate the same to the petitioners.

The writ petition stands disposed of accordingly.

DECEMBER 21, 2018

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No