

COCN No. 1243 of 2018

DECIDED ON: SEPTEMBER 10, 2019

BALWANT RAI AND ORS.

.....PETITIONERS

VERSUS

DEPENDER DHESI AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

AVNEESH JHINGAN, J (ORAL)

Civil writ petition bearing No. 4810 of 2017 was filed by the petitioners raising grievance that without acquiring the land of the petitioners the same has been utilized for construction of Guide bund over Markanda River crossing Naraingarh Sadhaura road (SH-1). The writ petition was disposed of with a direction to respondents to process the case for acquisition of land already used for construction of Guide bund expeditiously, preferably within a period of six months.

During the pendency of present contempt petition, respondents were asked to file status report. Status report filed by way of an affidavit of Sandeep Goyal, Executive Engineer, Haryana PWD, B&R Br., Naraingarh is taken on record. Copy handed over to the counsel for the petitioners. Alongwith the report preliminary notification dated 26.08.2019 has been attached.

As per the said notification, 0.4125 acre land has been acquired and the

proceedings for the payment of compensation are in process.

Learned State counsel, on instructions from Mr. Satywan, Naib Tehsildar-cum-LAO (PWD-Ambala), submits that the needful would be done within statutory period provided. He further submits that an amount of ₹38,00,000/- has already been disbursed to the petitioners.

Learned counsel for the petitioners submits that notification is only with regard to a piece of land and not the entire land utilized. He further submits that no order has been passed with regard to the “land already used” for construction of Guide bund.

Learned State counsel submits that speaking order for land already used, if any, would be passed in accordance with law after providing opportunity of hearing to the petitioners.

In view of above the present contempt petition is disposed of. The respondents are directed to pass a reasoned order, dealing with the issue as to if any land of the petitioners has already been utilized without acquisition, apart from the land so mentioned in the notification referred to above.

Let, the needful be done within a period of three months from today. In case it is found that the land of the petitioners is utilized without acquisition, the monetary benefits arising therefrom shall be disbursed as expeditiously as possible.

SEPTEMBER 10, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***