

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

**CWP-4476-2020 (O & M)
Date of Decision: 18.02.2020**

Innovative Infradevelopers Pvt. Ltd.

...Petitioner(s)

Vs.

State of Haryana and ors.

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Chetan Mittal, Sr. Advocate,
with Mr. Kunal Mulwani, Advocate, for the petitioner.

RAJAN GUPTA, J. (Oral)

Notice of motion.

Petitioner has sought a writ in the nature of certiorari for quashing the impugned order dated 03.12.2019, Annexure P-27, on the ground that the same suffers from non-application of mind.

Mr. Mittal, learned Senior counsel for the petitioner has submitted that a representation dated 30.01.2019, Annexure P-25 was made to the concerned authority. However, it was rejected vide by order dated 03.12.2019 (Annexure P-27 herein).

On the asking of the court, Mr. Ankur Mittal, Addl.A.G., Haryana, who is present in court, accepts notice on behalf of the State. According to him, similar writ petition i.e. CWP-19006-2019 titled as 'Dharamvir and others versus State of Haryana and others', was dismissed

However, no plausible answer is forthcoming as regards the short and cryptic order passed by the authority. The said order reads as under:-

“In this regard, it is informed that the land in question measuring 26 kanal 16 marla situated in the revenue estate of village Naurangpur, Tehsil and District Gurgaon (now Gurugram), forms part of award dated 26.11.2018 deemed to have been announced on 24.08.2007, in view of the Hon’ble Apex Court orders dated 12.03.2018 in Civil Appeal No.8788 of 2015 titled as Rameshwar V/s State of Haryana and others.

Accordingly, your representation under reference for release of said land cannot be considered as being acquired in view of the Hon’ble Supreme Court orders dated 12.03.2018.”

A perusal of the aforesaid order shows that the authority has not assigned any reasons except that the representation was being rejected in view of the order passed by the Hon’ble Supreme Court in Civil Appeal No.8788 of 2015 titled as Rameshwar V/s State of Haryana and others decided on 12.03.2018.

Stand of the petitioner is that plea raised in the representation as regards the release of land of the petitioner prior to the time the acquisition lapsed was not taken into consideration by the authority.

On perusal of the aforesaid order, we find that the same is short and cryptic. At this stage, Mr. Ankur Mittal submits that the authority shall look into all the issues raised in the representation, Annexure P-25 afresh

and pass a speaking order giving the detailed reasons for arriving at its

conclusions.

Needless to observe that authority shall not be swayed by the decision taken by it in its order dated 03.12.2019, Annexure P-27. The exercise be concluded within a period of one month after affording an opportunity of hearing to the petitioner. Disposed of.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

February 18, 2020
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No