IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 16273 of 2020
Date of Decision: 9th October, 2020

Ramesh Kumar and others

....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Sandeep Sharma, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

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Dr. S. Muralidhar, J.

1. This writ petition *inter alia* seeks the following reliefs:

> "(i) Praying for issuance of a writ in the nature of mandamus of direction to the Respondents to release the land of the Petitioners in view of the policy dated 14th September, 2018 (Anneuxre P-5) vide which State of Haryana has decided to release the acquired land of the land owners, which can not be utilized by the Respondents in view of the clause 7 of the Policy dated 14th September, 2018 (Anneuxre P-5).
>
> (ii) A writ, order or direction may also be issued to by directing the Respondents to produce the entire record of the acquisition including the record of those land owners whose land stands released from the acquisition."

2. Initially the Petitioners had filed CWP No. 955 of 2015 (O&M), which came to be dismissed on 24th August, 2020 by the following order:-

> "1. In this writ petition, the prayer is for declaration of deemed lapsing of land acquisition proceedings under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act') and/or for release of the land in question is required to be rejected in view of the judgment dated 6th March, 2020 of the Constitution Bench of the Supreme Court in ***Indore Development Authority v. Manoharlal and others**, AIR 2020 SC 1496*.

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> 2. Mr. N.D. Achint, learned Counsel appearing for the Petitioners desire to invoke Section 101-A of 'the 2013 Act' which is a provision exclusive to the State of Haryana inserted therein by way of an amendment.
>
> 3. Accordingly the writ petition is dismissed, and the status quo order, if any, is vacated. It is clarified that if the Petitioner makes a representation invoking S. 101-A of the 2013 Act, it will be for the Respondent authorities to examine it and pass an appropriate order in accordance with law."

3. It appears that thereafter the Petitioners made an application to the Respondents on 7th September, 2020 seeking release of the land in view of the Policy dated 14th September, 2018 framed by the Government of Haryana for implementation of Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereafter '2013 Act').

4. It is stated in the petition that even before taking a decision on the aforementioned application of the Petitioner, the Respondents' staff is seeking to demolish the structure on the land in question.

5. Mr. Sandeep Sharma, learned Counsel for the Petitioners has relied on the decisions of the Supreme Court in Hari Ram v. State of Haryana, AIR 2010 (Sup) 709 (SC) and the recent judgment dated 7th August, 2020 in ***Hari Krishna Mandir Trust v. State of Maharashtra*** in Civil Appeal No. 6156 of 2013 to urge that till such time the Respondent/Authority does not take a decision on the Petitioner's application/representation invoking Section 101-A of the Act of 2013, it should be restrained from taking any coercive steps to dispossess the Petitioners.

6. At the outset, the Court wishes to clarify that the order dated 24th August, 2020 passed by this Court, recording the statement of the Petitioners that they wish to invoke Section 101-A of the 2013 Act, is not to be construed as a commendation to the Respondent/Authority to necessarily allow such application/representation. In fact, the order clearly states that "it will be for the Respondent authority to examine it and pass an appropriate order in accordance with law." The aforesaid line in the order dated 24th August,

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2020 was not intended to be construed as a mandamus to the Respondent/Authority to decide such application in any particular manner. It is entirely for the Respondent/Authority to decide what decision to take on the Petitioners' application/representation.

7. The Court sees no occasion whatsoever to entertain the prayers in the present petition. The petition is accordingly dismissed.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

9th October, 2020
jk

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

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