

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

ASHOK KUMAR
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CWP-6870-2021 (O&M)

Date of decision: 29.07.2021

TIRLOK CHAUDHARY

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. APS Sandhu, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.
Mr. Arvind Seth, Advocate for respondent No.2 and 4.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226 of the Constitution of India, the petitioner prays for a writ in the nature of mandamus directing the respondents to release the amount of compensation redetermined by the Land Acquisition Collector vide order dated 31.05.2019 while exercising powers under Section 28-A of the Land Acquisition Act, 1894.

The facts of the case are not in dispute. A land measuring 21 kanal 11 marlas belonging to the petitioner was acquired by the State of Haryana for Haryana Urban Development Authority vide award No.10 of 21.07.2003. On the application of certain owners of the acquired land, the Court increased the market value of the acquired land @ Rs.888/- per sq. yard. The petitioner availing the benefit of Section 28-A of the Land Acquisition Act, 1894, applied for re-determination of the compensation which has been allowed vide an order dated 31.05.2019. The petitioner complains that the amount as determined by the Land Acquisition Collector

vide order dated 31.05.2019 has not been paid.

A short reply has been filed by the Haryana Shahari Vikas Pradhikaran, Gurugram (successor in interest of Haryana Urban Development Authority). Para 7 of the reply reads as under:-

7. That case of the petitioner is under process and minimum one month time is required to take final decision with regard to payment of compensation.

Keeping in view the aforesaid fact, the writ petition is disposed of in terms of the stand taken in para 7 of the reply. Learned counsel representing the petitioner apprehends that the payment will not be made.

The petitioner would have the liberty to file an application for revival of the present writ petition, if the payment as stated is not released.

29.07.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE