

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

CWP-3658-2023

Date of Decision: 22.02.2023

Sardul Singh and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Amit Jhanji, Sr. Advocate,
with Ms. Nikita Garg, Advocate, for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana,
and Mr. Saurabh Mago, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the land measuring 9 kanals and 1 marla constituted in Khasra No. 32//20 (3-2), 32//21 (2-17) and 32//19 (3-2) in village Atmadpur, Tehsil and District Faridabad.

Senior counsel submits that the writ petition i.e. CWP No. 2310 of 1986, M/s. Maharaj Prints Ltd. vs. State of Haryana and others, challenging the acquisition vide notification dated 04.11.1977 under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') had been dismissed on 08.09.1993 (Annexure P-2) and the award has also been passed way back on 18.11.1982 (Annexure P-1) for land falling in village Atmadpur, Hadbast No.127, Tehsil Ballabgarh, District Faridabad for the utilization of land for residential area in Sectors 31, 32, 35 and 36. It is pointed out from the photographs (Annexure P-6) that 3 kanals of land whereby residential houses were built up has already been released which is approaching the main road.

The larger chunk of land which is now sought released and having construction in the form of industrial unit is situated having a back towards 3 kanals of land and also abutting the main road as it forms a 'L' and is adjoining the 3 kanals which had been released. It is pointed out that on 03.05.1999 (Annexure P-7), request had been made that the land which is now sought to be released would not fall or impinge upon the road portion. The said representation had been forwarded by the Land Acquisition Collector to the Director, Urban Estate Department on 04.05.1999 (Annexure P-8) and from the Administrator, HUDA also on 23.06.1999 (Annexure P-9). It is submitted that there are 7 share holders in the property and there is construction of A, B and C class in the said portion. Reliance is also placed upon the fact that a representation (Annexure P-11) for de-notifying the land has also been made under Section 101A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short 'the 2013 Act'). Further reliance is placed upon release of 47 kanals and 11 marlas of land in village Mewla, Maharajpur, Sector 31, Faridabad on 19.12.1995 and also of 3079.09 square yards in the same area in favour of one Tilak Raj on 31.01.2007 (Annexure P-13).

Keeping in view the above, we are of the considered opinion that the present writ petition can be disposed of with directions to the competent authority to decide the representation made under Section 101-A of the 2013 Act (Annexure P-11) keeping in view the law laid down in ***Raghubir Singh and another vs. State of Haryana and others, (2022) 4 SCC 728.***

Ordered accordingly.

The said issue be decided within a period of 4 months from the

date of receipt of certified copy of the order.

(G.S. SANDHAWALIA)
JUDGE

22.02.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No