

109

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

CWP-9281-2023

Date of decision:08.05.2023

SARDUL SINGH AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

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

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petition lands were acquired through a notification becoming issued under The Land Acquisition Act, 1894. However, in terms of a policy Annexure P-10, as, formulated by the State of Haryana, the petitioners claim relief of the petition lands becoming denotified.

2. The learned counsel for the petitioners had earlier argued, and, today also argues that the said notification, as, appertains to the petitioners' lands, upon, thus becoming objectively considered by the Authorities concerned, to become unviable or non-essential for being yet subjected to further completest acquisition, thereupon the petition lands, hence may become amenable for becoming denotified, rather from their completest acquisition being made. He submits that since in terms of the policy parameters (supra),

thus no objective decision has been made on Annexure P-11, thus the said infirmly drawn impugned Annexure P-19 rather be quashed, and, set aside.

3. The writ petitioners has earlier accessed this Court, through their instituting CWP-3658-2023 before this Court, and, on the said writ petition a decision became recorded on 22.02.2023 (Annexure P-14), whereby a direction was made upon the Authorities concerned, to make a lawful objective decision, upon, representation Annexure P-11, thus carrying therein the above espoused relief. The order (supra), as made on the writ petition (supra), is stated to have been complied with by the respondents concerned, and, which has resulted in the drawing of Annexure P-19. However, as above stated, a challenge is made thereto, on the ground that it is cryptically drawn, and, that the authority who drew the same, rather has not borne in mind, the position of law, as settled in a catena of decisions. Therefore, the said order is again challenged before this Court.

4. Today, the learned State counsel on instructions, from Ms. Garima Mittal, Zonal Administrator (Competent Authority) submits, that the said impugned order Annexure P-19, at this stage, be declared to be not drawn in accordance with law.

5. Consequently, after accepting the above submission, as, addressed before this Court, by the learned State counsel, this Court deems it fit, and, appropriate to quash the impugned order Annexure P-19. However, with a direction to the competent authority concerned, to make a lawful speaking decision, but bearing in mind, the settled position of law in respect of the claim raised by the petitioners in representation (Annexure P-11), besides after hearing all affected persons concerned.

6. Though earlier during the pendency of a decision being drawn by the competent authority, on representation Annexure P-11, a notice for the

demolition of the construction raised on the petition lands became issued, to the petitioners, and, which led them to institute CWP-6472-2023, before this Court, but since the readings of order, as, made thereon Annexure P-17 reveals, that the parties were directed to, in the meantime maintain status quo with respect to the construction existing on the petition lands. Therefore, no further direction, as such is required to be made upon the authorities concerned, to yet order for the demolition(s) of the constructions, as raised by the petitioner(s), on the petition lands, but the above status quo shall be subject to the binding conclusive lawful decision being made on representation Annexure P-11.

(SURESHWAR THAKUR)
JUDGE

08.05.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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