

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

149

CWP-10442-2023

Date of Decision: 22.05.2023

Anita and others

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

B.S.WALIA, J. (ORAL)

The present writ petition has been preferred by the petitioners under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to decide the application under Section 101-A, dated 05.05.2023 (Annexure P-7) within a specified period of time and to release land of the petitioners comprised in Khewat No.5/3, Khatoni No.5, Khasra No.26//22/2 (2-12), 31//2/2 (5-13), 3 (8-0), 8 (8-2), 13/2 (2-12), 34//8 (6-13), 9 (7-12), 12/1 (3-16), 13 (7-11), Kitte 9 measuring 52 Kanal 11 Marla, as located in the revenue estate of Village Kanhai, Tehsil and District Gurgaon, in view of the policy dated 14.09.2018 (Annexure P-6).

Learned counsel for the petitioners places reliance upon the decision of the Division Bench of this Court in CWP No.134 of 2022, in case titled as 'Harpal and another Vs. State of Haryana and others', dated 23.03.2022, where in similar circumstances, a Hon'ble Coordinate Bench directed the respondents to restrain themselves from demolition of the residential house of the petitioners therein till the decision of the

representation filed by the petitioner therein. Learned counsel for the petitioner prays for similar relief.

Notice of motion.

On the asking of the Court, Mr. Surender Singh Pannu, Addl.A.G. Haryana, accepts notice on behalf of respondent No.1. A photocopy of the paper-book has been handed-over to him.

Learned Additional Advocate General, Haryana, on perusal of the present writ petition as well as order dated 23.03.2022 passed in similar writ petition i.e. CWP No.134 of 2022, titled as 'Harpal and another Vs. State of Haryana and others', submits that he has no objection to the prayer as made by learned counsel for the petitioners.

In view of the above, the present writ petition is disposed of without going into merits of the case or commenting thereon, by directing the learned Financial Commissioner-cum-Principal Secretary to Government of Haryana, Urban Estate Department – respondent No.1 to consider and decide the representation of the petitioners dated 05.05.2023 (Annexure P-7) in accordance with law as expeditiously as possible. However, till the decision on representation dated 05.05.2023 (Annexure P-7), the residential house of the petitioners as is situated on the land in question shall not be demolished and further action in respect thereto would be subject to the decision to be taken on representation dated 05.05.2023 (Annexure P-7) by respondent No.1 and communication of said decision to the petitioners. Needles to mention here that in case any action adverse to the interest of the petitioners is taken, the action to implement the same shall not be taken for a period of one week from the date of communication of the decision to the petitioners.

(B.S.WALIA)
JUDGE

22.05.2023
Nisha

(LALIT BATRA)
JUDGE

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