

³²⁷ IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12957-2023

Decided on:-22.09.2023

Sunil and others

....Petitioners...

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Sahu, Advocate,
for the petitioners.

Mr. RKS Brar, Additional Advocate General, Haryana.

HARKESH MANUJA J. (Oral)

1. Grievance of the petitioners in the present writ petition is that no compensation has been paid to them on account of acquisition and utilisation of their respective lands way-back in the year 1980-81 for the purpose of constructing New Shivani Minor in District Fatehabad and Hisar.

2. Briefly stated, facts of the case are that Irrigation Department of Haryana constructed New Shivani Minor in District Fatehabad and Hisar way-back in the year 1980 and issued gazette notification No.164333 dated 31.10.1980 under Section 6 of the Land Acquisition Act, 1894 (for short 'the Act') regarding total land measuring 20 acre 03 kanal of Village Gorkhpur including the land belonging to the petitioners. According to the petitioners, this land has remained in illegal possession of the Irrigation Department, however, till date no compensation has been paid for the land acquired in Village Gorkhpur, though for other villages compensation has been paid.

3. As per the pleadings, the petitioners also made application under

Right to Information Act, 2005 on 12.08.2015 seeking information regarding notification under Section 6 of the Act and details of the land which is in possession of the Irrigation Department. The Executive Engineer, Tohana, Water Service Mandal Tohana vide letter dated 12.08.2015 replied that certified copy of gazette notification issued under Section 6 of the Act on 31.10.1980 regarding New Shivani Minor cannot be provided as the record is very old, however, it is also specified in the reply that compensation has not been given and it finds mention in the register.

4. Learned counsel for the petitioners contends that though, they have been making representations since 2007 and even legal notice dated 12.08.2018 (Annexure P-7) was also served upon the respondents in this regard, but no response has been received from them till date. Many other similar cases have also been cited by the petitioners and it has been urged that compensation has been paid in those cases on a direction being issued by this Court in this regard.

Learned counsel further submits that instead of deciding the petition on merits, he would be satisfied in case a direction is given to the respondents to decide the claim after verification from the revenue record.

5. Learned State counsel raises no objection to the innocuous prayer made in the present petition.

6. In view of the aforementioned circumstances, at this stage, without expression of any opinion on merits regarding the claim of the petitioners, present petition is disposed with a direction to respondent No.6 that after verification of the revenue records as well as records pertaining to the acquisition proceedings, claim of the petitioners about release of

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compensation amount in case it is made be considered and decided in accordance with law upon hearing the petitioners/their representatives. The aforesaid exercise be completed within a period of three months from the date of receipt of certified copy of this order. It shall be appreciated in case a speaking order is passed on the representation submitted by the petitioners and a copy thereof be furnished to them.

Pending miscellaneous application(s), if any, shall also stand disposed of.

22.09.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/ No

(HARKESH MANUJA)

JUDGE