

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14359-2023

DATE OF DECISION: 19.07.2023

VIJAY KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

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

Present: Mr. Sanyam Khetarpal, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of '*mandamus*' directing the official respondents No. 2 and 3 to not to interfere in the peaceful possession of the land in question belonging to the petitioner and not to dispossess the petitioner as the land in question does not fall in the category of the acquired land and therefore, the decision is sought to be taken on the representation dated 30.06.2023 (Annexure P-13).

2. Counsel *inter alia* submits that the petitioner is the owner of the land measuring 1500 square yards falling in Khasra No. 349 and 4600 square yards falling in Khasra No. 351 situated in Village Tejli Tehsil Jagadhari District Yamunanagar. The same was matter of acquisition in the year 1987 and which was quashed by this Court on 29.09.1992 (Annexure P-4). Thereafter, fresh acquisition was initiated in the year 2001 and only 1000 square yards in Khasra No. 351 was acquired and the balance land was released of which the petitioner is in possession. Now he is sought to be dispossessed and resultantly, the representation dated 30.06.2023 has

been filed (Annexure P-13).

3. Notice of motion.

4. On the asking of the Court, Mr. Arun Beniwal, D.A.G., Haryana, accepts notice on behalf of respondent No. 1 and Mr. Deepak Sabherwal, Advocate, who is present in Court accepts notice on behalf of respondents No. 2 and 3.

5. Keeping in view the above, we are of the considered opinion that reply is not required and the matter can be redressed at the level of respondent No. 2, i.e. the Estate Officer, Jagadhri. Let the said respondent examine the representation and take a decision and pass a speaking order within four weeks after examining the necessary revenue records and the acquisition record. The petitioner be given notice to put in an appearance and submit all necessary documents in support of his claim.

6. In case the petitioner is not entitled for the said relief, a reasoned order be passed and communicated to him so that he can challenge the same.

7. Needless to say that till the decision is taken, the petitioner shall not be dispossessed from the land in question.

8. With the aforesaid observations, this petition is disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

July 19, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No