

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 29391 of 2017

Date of decision: 15.11.2023

Balbir Singh and others

.... Petitioners

Vs.

The State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ved Parkash, Advocate
for the petitioners.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. Aman Bahri, Advocate
for respondents No.2 to 4.

ARUN PALLI, J (Oral)

Petitioners herein have prayed for the following substantive relief:

“Civil Writ Petition under article 226/227 of the Constitution of India for issuance of writ, especially in the nature of mandamus for directing the respondents to make allotment of residential plots/commercial plot/Booths to the petitioners according to their entitlement, against the acquired land of petitioners, in New Grain Market Safidon at Safidon, District Jind which was acquired by the Haryana State Agriculture Marketing Board for establishment of New Grain Market at Safidon, Jind and for which the petitioners have already served application/representation dated 16.06.2016 & 24.06.2016 (Annexure P-5) before the respondents and the same still pending undecided.

And/or

Further to issue a writ in the nature of mandamus/prohibition, prohibiting the respondents from allotting the plots which are available and lying

vacant in New Grain Market Safidon, District Jind, Haryana, to the allottees of plots/booth under exchange or any other mode, without first satisfying the claim of the oustees.”

In reference to the written statement filed on behalf of respondents, learned counsel for respondents submits that during the pendency of this petition, authorities have considered the claim of petitioners and vide orders dated 06.07.2018 (R-4/8), their claim had since been rejected. He submits that the petitioners have not chosen to lay challenge to the said order to date. However, he submits that since, while passing the order (*ibid*), certain vital factors had not been taken into account by the authorities, therefore, it would be expedient if the respondents are permitted to revisit the issue and pass afresh orders in accordance with law. He submits that in the given situation, the orders dated 06.07.2018 (R-4/8) be deemed to have been withdrawn to enable the authorities to pass fresh orders.

That being so, learned counsel for petitioners submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondents. However, he submits that authorities be directed to pass the necessary orders within a specified time period, to which, learned counsel for the respondents submits that appropriate orders, as indicated above, shall be passed within a period of three months from today, after affording an opportunity to the petitioners and they shall also be entitled to supplement their claim by placing on record additional material/evidence.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

15.11.2023
deepak

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