

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

122

2023:PHHC:118767-DB

CWP-19897-2023

Date of Decision: 11.09.2023

Khemchand and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Sandeep Sharma, Advocate,
and Mr. Rohit Johar, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to provide passage to the petitioners as per Clause 1(iii) and 1(iv) of the policy dated 08.03.2019 (Annexure P-3) so that petitioners can utilize their land falling in Khasra No.1781 (3025 sq. yds.) situated in village Wazirabad, District Gurugram.

2. The case of the petitioners is that the land of the said village was acquired vide notification dated 20.06.2005 issued under Section 4 of the Land Acquisition Act, 1894, which was followed up with the Award No.45 dated 22.02.2007 (Annexure P-2) for development of residential, commercial, institutional and open space for Sectors 52A, 53 and 54, in Urban Estate, Gurugram. Out of the said khasra number, 33 biswas (3025 sq. yds.) out of 1 bigha 13 biswas has been left out from acquisition from khasra No.1781. The petitioners' case is that the respondents had demolished some part of the unacquired property earlier in March, 2021 and a representation dated 01.08.2023 (Annexure P-5) was given to provide a passage in view of policy

dated 08.03.2019. A perusal of the representation would go on to show that

since there is acquired land surrounding the unacquired land of the petitioners, therefore, the claim that respondents are duty bound to provide passage to the petitioners.

3. Notice of motion.

4. Mr. Aman Bahri, Addl. A.G., Haryana accepts notice on behalf of the State and Mr. Deepak Sabherwal, Advocate accepts notice on behalf of respondent Nos.2 to 5.

5. We have considered the said policy also. Keeping in view the above, we are of the considered opinion that there is no requirement to call for the reply as decision making is yet to take place.

6. Accordingly, the writ petition is disposed of with directions to the respondent No.2 to decide the representation dated 01.08.2023 (Annexure P-5) within a period of 2 months from the date of receipt of certified copy of the order. We, however, make it clear that it is open to the respondents to act on the policy and they are not restricted in any manner and they are only to decide the claim as such. In case there is a possibility arising for acquiring the land, we have not restrained them in any manner from taking a decision on the same. It would also be appropriate if the petitioners are given personal hearing so that the matter can be reasonably sorted out.

(G.S. SANDHAWALIA)
JUDGE

11.09.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No