

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

CWP-23713-2023

Date of decision: 18.10.2023

Suman

....Petitioner

Versus

State of Haryana and others

...Respondents

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

**Present: Mr. Akshay Jain, Advocate, and
Mr. Deepak Jain, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive
reliefs:-

*“Civil Writ Petition under Articles 226/227 of the
Constitution to issue a writ in the nature of Certiorari
quashing the notices dated 08.09.2023 (Annexure P-8)
and 29.09.2023 (Annexure P-10), the former issued
under Section 18(1)(b) and the latter issued under
Section 18(2) of Haryana Shehri Vikas Pradhikaran Act,
1977, for them being completely illegal and against the
settled law on the subject.*

AND

*Further for the issuance of a writ in the nature of
Mandamus directing the respondents to exclude the
constructed house of the petitioner measuring 0 Kanal 4-
3/4 Marlas comprised in Khewat No.761 Khata No.1146
to 1157 as per the Jamabandi of the year 2007-08
situated at Dabwali, Tehsil Dabwali, District Sirsa from
acquisition pursuant to the notification dated 21.05.2010
(Annexure P-2) issued under Section 4 of the Land*

Acquisition Act, 1894 and the notification dated 20.05.2011 (Annexure P-3) issued under Section 6 of the Land Acquisition Act, in view of already released structures/land in clusters, and in the vicinity of constructed house of the petitioner.”

Learned counsel for the petitioner submits that petitioner was served with a show cause notice dated 08.09.2023 (P-8), under Section 18(1)(b) of the Haryana Shehri Vikas Pradhikaran Act, 1977, for she was alleged to be in unauthorized possession/occupation of HSVP land in Sector 10 Dabwali. She was afforded seven days' time to respond to the eviction notice. In response, it is submitted that petitioner filed her objections/reply dated 11.09.2023 (P-9), which was duly received by the respondent(s), vide diary No.145591. Whereafter, vide order dated 29.09.2023 (P-10), passed under Section 18(2) of the Act, the authorities, without any reference to even the reply/objections submitted by the petitioner, ordered her eviction. It is urged that *ex facie*, the order dated 29.09.2023 (*ibid*), is palpably erroneous, arbitrary and bereft of any reasons.

Upon being served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, and Ms. Kushaldeep Kaur, Advocate, are present in Court on behalf of the respondent-HSVP. As always, he very fairly submits that the matter in issue would be re-examined by the authorities and fresh orders, in accordance with law, shall be passed after taking into account the objections filed by the petitioner.

To this, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statement made by learned counsel for the respondents.

In the wake of the statements made by learned counsel for the parties, the petition is disposed of in terms thereof.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.10.2023
Ak Sharma

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