

2023:PHHC:141108-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24940-2023
Date of decision:06.11.2023

Ramsigasan Giri
Versus
State of Haryana and others

....Petitioner

....Respondents

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

Present: Mr. Akshay Jain, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner herein 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, which notices were issued to the petitioner, 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 280 sq.yards comprised in Khewat No.893, Khasra No.56//4, situated at Dabwali, Tehsil Dabwali, District Sirsa from acquisition pursuant to the notification dated 21.05.2010 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 and the notification dated 20.05.2011 (Annexure P-4) 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 he was alleged to be in unauthorized possession/occupation of HSVP land in Sector 10 Dabwali. He was afforded seven days' time to respond to the eviction notice. In response, it is submitted that petitioner filed his objections/reply dated 15.09.2023 (P-9), which was duly received by the respondent(s). 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 his 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. Deepak Sabherwal, learned counsel for the respondent-HSVP, is present in Court. 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/reply 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

06.11.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No