

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

CWP-1657-2023

Date of Decision: 27.01.2023

Dharam Chand

.....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. Arvind Kashyap , Advocate,
for the petitioner.

Mr. Ankur Mittal, Addl, A.G., Haryana, with
Mr. Saurabh Mago, A.A.G., Haryana.

Mr. Ankur Mittal, Advocate, with
Ms. Kushaldeep Kaur, Advocate,
for respondent No. 3-HSVP.

Mr. Ashish Rawal, Advocate,
for respondent No. 7-UOI.

G.S.SANDHAWALIA, J. (ORAL)

After arguing for some time and keeping in mind the fact that on an earlier occasion, the matter has been dismissed on merits on 01.09.2009 (Annexure P-10), regarding the notification dated 26.09.2007 (Annexure P-2), followed up by the notification dated 25.09.2008 (Annexure P-3), learned counsel for the petitioner does not press the present petition. Liberty to file a representation under the provisions of Section 101-A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the Act of 2013), before the competent authority by stressing on the unviability of the acquisition, keeping in mind the site plan dated

02.11.2022 (Annexure P-14) which has been filed, is asked for.

Mr. Ankur Mittal, Addl. A.G., Haryana, on having advance copy of the petition and duly assisted by the official, has submitted that the site plan as submitted may not be correct one and has also shown a larger site plan of Sector 2, Part III, IV and V of Pinjore, Kalka.

Thus, the petitioner shall be entitled to file a detailed representation putting forth his case before the competent authority. The competent authority shall pass a speaking order on the said representation taking into consideration whether the land of 10 '*Biswas*' is liable to be released or not, in view of the provisions of Section 101-A of the Act of 2013, keeping in mind the subsequent events which have occurred and whether it is viable proposition to acquire the said land. The necessary representation be filed within a period of 10 days from today and a speaking order be passed, within a period of 03 months on the same, after giving an opportunity of hearing to the petitioner.

(G.S. SANDHAWALIA)
JUDGE

January 27, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No