

2023:PHHC:164753-DB

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

CWP-28901-2023

Date of decision: 21.12.2023

Bugri Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Govind Chauhan, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

Learned counsel for the petitioner submits that land measuring 24 bighas 18 biswas, comprised in khewat No. 448//482, situated in the Revenue Estate of Village Kasba Karnal, District Karnal, owned by the husband of the petitioner (Dile Singh @ Zile Singh @ Dile Ram), was acquired vide notification dated January 02, 2002, under Section 4 of the Land Acquisition Act, 1894. He further submits that in terms of the Government Policy, the petitioner was entitled to allotment of a site/plot, as per her entitlement. However, vide impugned order (P-13), her claim has since been rejected on the ground that in terms of the Policy, only those landowners whose 75% of the land holding was acquired, were entitled for allotment. Whereas, the petitioner was ineligible to be considered for any such allotment, as only 42.85% of the land holding of her husband was acquired.

In reference to the letter dated November 20, 2014 (P-2), and certificates dated July 22, 2020 (P-7) and July 23, 2020 (P-8), he asserts that apparently more than 75% of the land holding of the husband of the petitioner was acquired, and thus, under no circumstances, her claim could be rejected.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate for the respondent-HSVP, is present in Court.

On the contrary, he submits that no cogent material/evidence is placed on record by the petitioner, which conclusively shows that she is eligible, in terms of the Policy, owing to acquisition of 75% of the land holding of her husband. Be that as it may, he submits that if the petitioner, even now moves the competent authority with the requisite certificate issued by the Tehsildar/LAO, showing that, indeed, 75% of the land holding of her husband was acquired, her claim would be re-considered.

Accordingly, learned counsel for the petitioner submits that the petitioner shall move the competent authority within two weeks from today, with the necessary documents. However, he submits that the competent authority be directed that in the event any such application is received, the same shall be considered and dealt with, within a specified time.

To this, learned counsel for the respondent-HSVP submits that on receipt of any such application, the competent authority shall pass the necessary orders, in accordance with law, within four weeks thereafter.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.12.2023
Ak Sharma

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