

CWP No.265 of 2024 (O&M) and other connected matters 1
2024:PHHC:006030-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.265 of 2024 (O&M)
Date of Decision :16.01.2024

Anant Ram
.....Petitioner
Versus
State of Haryana and others
..... Respondents

CWP No.250 of 2024 (O&M)

Ram Kumar
.....Petitioner
Versus
State of Haryana and others
..... Respondents

CWP No.251 of 2024 (O&M)

Karambir
.....Petitioner
Versus
State of Haryana and others
..... Respondents

CWP No.298 of 2024 (O&M)

Roshani Devi
.....Petitioner
Versus
State of Haryana and others
..... Respondents

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

Present : Mr. Vikram Singh, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. Deepak Sabherwal, Advocate for HSVP.

ARUN PALLI, J. (Oral):

Vide this order and judgment we shall dispose of four writ petitions, for the issue involved for consideration is common. However, the facts are being derived from CWP-265-2024.

The petitioner prays for a *certiorari* to quash the order dated 22.11.2023, whereby the Screening Committee has rejected the claim of the petitioner for allotment of a site/plot being an oustee.

Learned counsel for the petitioner has drawn our attention to the impugned order (page 68 of the paper book), which reads as thus:-

“The applicant Sh. Anant Ram S/O Sh. Ram Bhaj was not the owner of acquired land at the time of notification under Section 4 of the Land acquisition Act 1894 and as per report of Tehsildar, Karnal and LAO Panchkula, only 59.57% land of Sh. Ram Bhaj S/o Sh. Hirda Malik was acquired and LAO Panchkula has also reported that the land measuring 166 sy.yd was released so as per clause 6,7 and 11 of guidelines dated 11.08.2016. Hence, the claim of the applicant is hereby rejected.”

Learned counsel for the petitioner submits that concededly, father of the petitioner namely Ram Bhaj was the owner of the acquired land. Therefore, post his death the petitioner would inherit/acquire every right title and interest that the deceased would have had qua the benefits that flows from the policy of the Government. Significantly, even learned counsel for the respondents-HSVP concedes this position and fairly submits that the reasons assigned is apparently erroneous. Further, as only 59.57% of the holding of late Ram Bhaj was acquired, the petitioner shall not be eligible/entitled to seek

CWP No.265 of 2024 (O&M) and other connected matters 3
2024:PHHC:006030-DB

allotment in view of clause 7 of the policy (P2). Learned counsel for the petitioner submits that the observations was patently erroneous as the entire land holding of late Ram Bhaj son of Hirda Malik was acquired. In so far, as a land measuring 166 square yard which purports to have been released by the respondents-authority, learned counsel for the petitioner submits that the said site was released by the respondents-authority, pursuant to the order, passed by this Court, in CWP No.19434 of 2004. Thus, it was not even a part of the acquisition in question. Further, he asserts that since the petitioner was not even afforded a hearing, the order impugned in any case is unsustainable.

Although, learned counsel for the respondents-HSVP controverts the argument sought to be advanced by learned counsel for the petitioner as regards 100% acquisition of the land holding of late Ram Bhaj. And also that 166 square yard of area released by the authority never formed part of the acquisition proceedings. However, he submits that in the given circumstances, it would be expedient, if a fresh order is passed by the competent authority (Screening Committee). Provided the petitioner furnishes the requisite documents in support of his claim within two weeks from today to the Estate Officer, Karnal, whereafter, he would be afforded a hearing before any such orders are passed. Accordingly, he submits that the impugned order dated 22.11.2023 be deemed to have been withdrawn. And the competent authority would finally disposed of the matter within two months of the submission of documents by the petitioner.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents-HSVP and submits that let this petition be disposed of in view of the statement made by him.

In the wake of the position as sketched out above, petitions are accordingly disposed of in terms of statement made by learned counsel for the parties.

This Court is sanguine that the respondents-authority shall consider the claim of the petitioner and pass appropriate orders, in accordance with law, assigning reasons in support thereof.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

16.01.2024
Manoj Bhutani

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