

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1888-2024(O&M)
Date of decision: 30.01.2024

Bhim Singh and others
... Petitioners
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shiv Kumar, Advocate,
for the petitioners.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate, for respondents No.1 to 4.
Mr. Deepak Sabherwal, Advocate, for respondent No.5.

ARUN PALLI, J. (Oral)

A mandamus is prayed for commanding the respondents to issue the certificate of allotment to the petitioners as has already been issued by other Gram Panchayats to identically situated persons residing in the adjoining villages.

Learned counsel for the petitioners submits that petitioners are residents of Village Baroli, District Faridabad (Haryana), and belong to SC/BC/BPL categories. It is urged that pursuant to a Government policy, dated 01.02.2008, the petitioners were allotted plots measuring 100 sq. yards each. However, vide notification dated 01.05.2006, issued under Section 4 of the Land Acquisition Act, 1894, the land (measuring 56 kanals 9 marlas) upon which the said plots were to be carved out, and delivered to the allottees, was sought to be acquired. Being aggrieved, the petitioners approached this Court

vide CWP-12346 of 2013, which was disposed of by order dated 19.07.2013, requiring the respondent-authorities to consider the concerns/grievances of the petitioners, and pass a speaking order. As a result, the land under acquisition was released pursuant to the Government order dated 27.12.2013, to facilitate the process of allotment in favour of the petitioners, who were found entitled and eligible for such allotments. It is submitted that thereafter the petitioners were delivered the actual physical possession of the allotted sites/plots, and they have even constructed their houses thereon. Therefore, the limited grievance that petitioners have is that even though a considerable time has elapsed but to date they have not been issued the certificate of allotment. Whereas, the other allottees, who are identically placed as the petitioners, residing in adjoining villages, have already been issued such certificates by the Gram Panchayats. So much so, he asserts that even the legal notice dated 10.10.2023 (P-6), the authorities have been served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, on behalf of respondents No.1 to 4-State, and Mr. Deepak Sabherwal, Advocate, on behalf of respondent No.5, are present in Court.

At the outset, learned counsel for the respondents submit that as the competent authority is alleged to be in seisin of the concerns/grievances of the petitioners, let this petition be disposed of, at this stage, to enable the respondents to consider the same, and pass appropriate orders, in accordance with law, on the legal notice (P-6) that is alleged to have been served by the petitioners. Further, it is urged that before any such orders are passed, the petitioners would also be afforded an opportunity of hearing.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondents. And submits, let this petition be disposed of in terms of their statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for the respondents submit that the necessary orders, after affording an opportunity of hearing to the petitioners, shall be passed within a period of eight weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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 petitioners, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

30.01.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO