

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-1600-2024
Date of Decision: 24.01.2024

DAYARAM SHARMA

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Bhuwnesh Lakhera, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the official respondents No.1 to 3 to decide the representation dated 27.08.2023 (Annexure P-7) to release the land of the petitioner which was taken as Security bond.

Learned counsel for the petitioner contends that the petitioner's land was acquired by the respondent department vide notification under Section 4 and Section 6 of the Land Acquisition Act, 1894, whereby the Collector had awarded Rs. 40 lakhs, 48 lakhs and 50 lakhs, however reference Court had enhanced the award to a uniform compensation of Rs. 67,12,050/- lac/per acre. The respondent-department challenged the said award by filing RFA-1350 to 1402-2019 and the same was admitted by the High Court with the direction that Executing Court will take adequate

security from the landowners on the release of the enhanced compensation vide order dated 08.04.2019. In view of the aforesaid order, the petitioner moved an application for release of payment in his favour and security bond in his land comprised in Khewat No. 106, Khatoni No. 108, Khasra No. 109 (1-11), 111 (3-11), 112 (0-3), 113 (0-2), 114(0-2) total land measuring 5 kanal 7 marlas in the revenue Estate of village Malpura Sub Tehsil Dharuhera District Rewari as per Jamabandi for the year 2014-15. The RFA filed by the land owners was allowed by the Hon'ble High Court and the RFA-1350 to 1402 filed by the respondent was dismissed by the High Court. The landowners filed SLP-4487-2022 before Hon'ble Apex Court where the same was allowed in part and the market value was determined Rs. 1,49,14,975 per acre for the acquired lands with standard benefits by the Hon'ble Apex Court vide judgment dated 23.08.2023. The petitioner want to sell the above said land for the purpose of his granddaughter's marriage which is fixed for 30.01.2024. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Lastly, a representation dated 27.08.2023 (Annexure P-7) has been served by the petitioner upon respondent authorities to release the land of the petitioner

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.2 DRO-II-cum-Land Acquisition Collector, Rewari, District Rewari is directed to consider and decide the representation 27.08.2023 (Annexure P-7) in a time bound manner.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2 DRO-II-cum-Land Acquisition Collector, Rewari, District Rewari to consider and decide the representation 27.08.2023 (Annexure P-7) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

JANUARY 24, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*