

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8455-2022
Date of decision: 06.02.2024

Sukhbir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

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

Present: Mr. Ajit Kumar Sharma, Advocate, for
Mr. Ram Darshan Yadav, Advocate,
for the petitioners.

Mr. Karan Jindal, Assistant Advocate General, Haryana.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate, and
Mr. Shivam Garg, Advocate,
for the respondent-HSIIDC.

ARUN PALLI, J. (Oral)

Land owned by the petitioners, situated in village Suthana, Tehsil Bawal, District Rewari, was acquired, pursuant to the acquisition proceedings under the Land Acquisition Act, 1894. It is not in dispute that Land Acquisition Collector rendered an award on 25.08.1995. A Mandamus is prayed for, to command the respondents to consider the claim of the petitioners, being oustees, for allotment of plots/sites, in terms of the policy dated 18.03.1992 (P-5), as also the notifications dated 07.12.2007 (P-6) and 09.11.2010 (P-7).

Learned counsel for the respondent-Corporation submits that circular dated 18.03.1992 (P-5) would have no relevance in the facts and circumstances of the present case, as it applies only to the acquisitions carried out by Haryana Shehri Vikas Pradhikaran (HSVP) and not any

other agency, including HSIIDC. Likewise, the notification dated 07.12.2007 (P-6) would be applicable w.e.f. 05.03.2005. Whereas, as indicated above, the award, in the present case, was rendered on 25.08.1995. Similarly, the notification dated 09.11.2010 (P-7) was operative from 07.09.2010. Further, he submits that no advertisement was ever issued by the respondent-Corporation inviting applications to settle the oustees' claim, for it never framed any rehabilitation policy. In any case, he submits that petitioners never moved the competent authority either, seeking any such allotment. So much so, even the representation dated 07.03.2017 (P-8), the authorities are alleged to have been served with, was addressed to the Financial Commissioner & Principal Secretary to Government of Haryana, Industries & Commerce Department.

Faced with this, learned counsel for the petitioners submits that let this petition be disposed of, at this stage, to enable the petitioners to move the competent authority as regards their concerns/grievances. However, it is urged that as a considerable time has already elapsed, post award dated 25.08.1995 (*ibid*), the respondent-Corporation be directed to consider the claim of the petitioners in the event they move any application in this regard, within a specified time.

In response, learned counsel for the respondent-Corporation submits that in case any such application/representation is moved by the petitioners within two weeks from today, the same shall be taken cognizance of. And necessary orders, in accordance with law, shall be passed thereon within a period of eight weeks from the receipt of the said application and communicated to the petitioners.

In the wake of the above, we are not required to delve any further into the merits of the case. Accordingly, the petition is 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.02.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No