

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9997-2024(O&M)
Date of decision: 06.05.2024

Sandeep Vihar (AWHO) Society
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Mr. Ish Puneet Singh, Advocate,
for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Mr. Karan Jindal, AAG, Haryana, for respondent No.1-State.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, and Ms. Saanvi Singla, Advocate,
for respondents No.2 to 8.

ARUN PALLI, J. (Oral)

The petitioner - Sandeep Vihar (AWHO) Society has prayed for
the following substantive relief:

“Civil Writ petition under Articles 226/227 of the
Constitution of India for issuance of a writ in the nature
of certiorari for quashing of the following orders/notices,
being illegal and unsustainable, in the facts and
circumstances of the present case, in the interest of
justice:

- (a) Order dated 29.05.2023 (Annexure P-41)
passed by respondent no. 3;
- (b) Order dated 13.05.2020 (Annexure P-29)
passed by respondent no. 4;
- (c) Letter dated 19.01.2018 (Annexure P-26)
issued by respondent no. on behalf of respondent
no. 2’

(d) Demand Notice dated 14.01.2016 (Annexure P-19) issued by respondent no. 5.

AND/OR

Further it is humbly prayed that the official respondents may kindly be directed to calculate the payment for Plot No. GH-79, Sector 20, Panchkula on account of enhancement of the value of the land by the Courts in consonance with Instruction No. 63 dated 22.08.2019 (P-42) which has been amended vide Instruction No. 67 dated 04.12.2020 (P-43) and, in the facts and circumstances of the present case, in the interest of justice.”

Having heard learned counsel for the petitioner on May 2, 2024, this Court has passed the following order:

“Learned counsel for the petitioner submits that the Reference Court had evaluated the compensation @ Rs.394/- per sq. yard, and upon the demand raised by the respondent(s) towards additional cost owing to acquisition, the petitioner had remitted the required amount. Although, whereafter this Court, vide order and judgment dated 05.11.2012 had reduced the compensation to Rs.366 per sq. yard, but in appeals preferred by both the parties before the Supreme Court, the compensation was again enhanced to Rs.394/- per sq. yard. And, the assessment made by the Reference Court was affirmed. Therefore, he submits that there was hardly any occasion for the respondents to raise any further demand since the demand for additional cost, pursuant to the award rendered by the Reference Court, had already been made good. Hence, he asserts that the impugned notices requiring the petitioner to pay further amount are palpably erroneous.

Served with the advance copy of the petition(s), Mr. Ankur Mittal, learned Additional Advocate General, Haryana is present in Court on behalf of the respondents. At the outset, he prays for a short accommodation to seek instructions and respond.

Adjourned to 06.05.2024.

To be shown in the urgent list at serial No.1.”

In response to the order referred to above, learned Additional Advocate General, Haryana fairly submits that apparently the matter does not appear to have been examined in the right earnest, for the issues that arise for consideration have not been dilated upon. Accordingly, he submits, it would be expedient if this petition, at this stage, is disposed of to enable the competent authority to re-consider the matter in its entirety. And pass fresh orders in accordance with law. He submits that before any such orders are passed, the petitioner shall be heard, for which a formal communication will be issued well in advance. Further, he submits that the petitioner shall also be at liberty to support/supplement its claim by furnishing any fresh material/documents.

As regards the speaking order dated 29.05.2023 (P-41), passed by the respondent-authorities, he submits that the same be deemed to have been withdrawn/re-called.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in the wake of the statement made by learned State counsel. However, he submits the authorities be directed to pass the necessary orders within a specified time.

To which, learned State counsel submits that the required orders 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 reconsider the matter in issue in the right earnest, and pass a comprehensive order assigning reasons in support thereof, within the time indicated by learned State counsel.

However, it is made clear 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

06.05.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO