



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10499-2024
Date of decision: 14.05.2024

RandhirPetitioner
Versus
State of Haryana and othersRespondents

2) CWP-10510-2024

Krishan LalPetitioner
Versus
State of Haryana and othersRespondents

3) CWP-10515-2024

KirpalPetitioner
Versus
State of Haryana and othersRespondents

4) CWP-10812-2024

RohtashPetitioner
Versus
State of Haryana and othersRespondents

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

Present: Mr. Nonish Kumar, Advocate,
for the petitioners.

Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.

ARUN PALLI, J. (Oral)

For, learned counsel for the parties are *ad idem* that the matter in issue in this bunch of four petitions is identical, these are being disposed of by a common order and judgment. However, the facts are being derived from CWP No.10499-2024.



On May 07, 2024, this Court had passed the following order:-

“Learned counsel for the petitioner(s), in reference to the report submitted by the Screening Committee (page 153 of the paper book), submits that land measuring 4 bigha, 8 biswa, 15 biswasi, reflected in column No.11 of the table, was the joint holding of the petitioner and his three brothers. And since individually, petitioner was the absolute owner of the area measuring 1 bigha, 7 biswa, 4 biswasi, and his entire land holding was acquired, he is entitled to an allotment of a suitable site, being an oustee. Therefore, he submits that the reasons assigned by the respondents to reject the claim of the petitioner(s) are apparently erroneous and unsustainable.

Faced with this, Mr. Deepak Sabherwal, Advocate, who is present in Court on behalf of the respondent-HSVP, upon being served with the advance copies of the petitions, prays for a short accommodation to seek instructions and/or submit a necessary affidavit(s), in the regard.

Adjourned to 14.05.2024.

A photocopy of this order be placed on the files of connected cases.”

In response thereto, learned counsel for the respondent-HSVP has filed an affidavit dated 13.05.2024, of the Estate Officer, HSVP, Karnal, today in Court and the same is taken on record. Copy furnished. And, paragraph Nos.8 and 9 thereof, read as thus:-

“8. That it is submitted that after receipt of the ibid order of this Hon’ble Court, the matter is also taken up with Land Acquisition Officer, Urban Estates, Panchkula. The official of the said office has brought to the notice the award statement prepared of the acquired Khasra Numbers involved in the case and it has been informed that father of



the petitioner namely, Man Singh and one Ram Singh both sons of Jhandu are recorded as gair marusi in khana khasht without any share and they were not recorded as owners of the land. It is also brought to notice that due to this reason, the matter has been sent to the court of learned District Judge under section 18/30 of the Land Acquisition Act, 1894 along with bank draft number 254791 dated 05.10.2006 and vide bank draft number 243969 dated 24.11.2006 in case of Jai Singh etc. It is also pertinent to state that Khasra Number 7253 min. claimed by the petitioner is not a part of the awarded land of which award statement is prepared by Land Acquisition Officer, Urban Estate, Panchkula. The said facts are not appearing in earlier reports received from Tehsildar, Karnal and Land Acquisition Officer, Urban Estates, Haryana, Panchkula on basis of which screening committee decided the claim of the petitioner. These facts have also not been disclosed by the present petition (s) in his application or even in present writ petition.

9. That in these circumstances, the answering respondent will review the matter as per the record sought from the revenue authorities/administration and the answering respondent will also give a hearing to the petitioner.”

With reference to the averments set out in paragraph Nos. 8 and 9, as extracted above, learned counsel for the parties have reached a consensus: the competent authority shall examine the matter in issue in its entirety and decide the same afresh by passing necessary orders, in accordance with law. Further, before any such orders are passed, the petitioners shall be heard, for which a formal communication shall be issued, well in advance. It is also agreed that the petitioners shall be at liberty to furnish any fresh material/documents to supplement/support their claims, provided the same are submitted within a week from today.

Which shall be taken into account, while passing the final orders by the



competent authority, as indicated above. And, in the given circumstances, the impugned order/communication dated 22.11.2023 (P-20), be deemed to have been recalled/withdrawn. Further, for the petitioners claim to be oustees and have been pursuing the matter with the respondent authorities for quite some time for allotment of suitable site/plot(s), the necessary orders, as indicated earlier, shall be passed within a period of four weeks from today.

In the wake of the position sketched out above and the consensus that has been arrived at between the learned counsel for the parties, the petitions are, accordingly, disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And a comprehensive order, citing reasons in support thereof, shall be passed, within the time indicated by learned counsel for the respondent-HSVP.

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 earlier, the competent authority shall examine the grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No