



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

219

CWP-19749-2019

Date of Decision.:07.11.2024

Hari Parkash and Another

Petitioners

Vs.

State of Haryana and Others

Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Ms. Sumitra, Advocate for
Mr. Vikram Singh, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

Mr. Navneet Singh, Advocate for
Mr. P.S. Chauhan, Advocate for
respondent Nos.3 & 4.

G.S. SANDHAWALIA, J. (ORAL)

By way of the present petition, filed under Article 226 of the Constitution of India, petitioners prays to quash the notice dated 10.07.2019 (Annexure P-9) being wrong, illegal and not sustainable in the eyes of law and further to release the house of the petitioners measuring 750 sq. yards. It is to be noticed that earlier a similar petition bearing No.CWP-5248-2014 had been filed, which was allowed vide order dated 11.03.2014 (Annexure P-7) and the acquisition *qua* the land of the petitioners was quashed.

2. The aforesaid order was sought to be recalled by filing review application in the case pertaining to the petitioners and on 14.09.2018 it was observed that the only direction issued was to release the residential house(s) in terms of Government policy and wherever the writ petitioner(s) is not found to

**CWP-19749-2019**

have any such house(s), nothing precludes the competent authority from passing a reasoned order.

3. It is noticed that in terms of the abovesaid order dated 14.09.2018, no speaking order has been passed and rather petitioners have been asked to demolish the construction by way of the impugned notice. The justification has been sought to be made in the written statement but we are of the considered opinion that once the authority was directed that speaking order be passed, the justification made in the written statement that construction was done subsequently or it is not a residential house, as such, could not replace the order which is under challenge.

4. Faced with the situation, Mr. Ankur Mittal, Addl. AG, Haryana submits that said notice be withdrawn and a speaking order will be passed.

5. Keeping in view the above, the present writ petition is hereby disposed of since the notice dated 10.07.2019 (Annexure P-9) stands withdrawn with liberty to pass a speaking order in terms of the earlier direction that residential houses of A-class construction of the writ petitioners may be released from acquisition in terms of the Government policy.

(G.S. SANDHAWALIA)
JUDGE

(DEEPAK GUPTA)
JUDGE

November 07, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No