

2024:PHHC:100134-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CWP-17652-2024

Decided on : 05.08.2024

Sanjay Kumar & others

.....Petitioner(s)

Versus

Union Territory, Chandigarh

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Karanbir Singh, Advocate for the petitioner (s).

Mr.Amit Jhanji, Sr.Advocate
with Mr.J.S.Chandel, Addl.Standing Counsel
Mr.Hakikat Singh, Advocate, for the respondent-U.T.

G.S. Sandhawalia, J.(Oral)

1. Challenge in the present writ petition, filed under Article 226 of the Constitution of India is to the notification issued under Section 4 of the Land Acquisition Act, 1894 way-back on 03.08.1999 (Annexure P-1) and the subsequent declaration on 15.02.2000 (Annexure P-2) under Section 6. Apparently, an award has also been passed on 14.02.2002 (Annexure P-3) which is subject matter of challenge, along with notice of demolition dated 21.06.2024 (Annexure P-4).

2. We have been informed by Senior Standing Counsel for the U.T. Administration that the premises of petitioner No.13, Kamlesh Kumar already stands demolished on 30.01.2024.

3. Counsel for the petitioners submits that in similar circumstances, in CWP-27107-2023 titled *Jiwan Lal & others Vs. Union Territory, Chandigarh & others* has been disposed of along with bunch of cases vide separate order of even date by noting that the U.T. Administration shall take a call on the rehabilitation of the petitioners.

4. It is pointed out by counsel for the respondent-U.T. Administration that the present petitioners firstly were never part of the original litigation whereas the ones' in the connected matters had got an interim order in their favour as already noticed in those set of cases.

5. Present petitioners, though, are differently placed, needless to say that since averments made in the writ petition is that they have been in continuous possession since last 10 years, thus, we still direct the U.T. Administration to take a call on the issue raised in the writ petition regarding the rehabilitation issue, if permissible in their case. It has been pointed out that there is also no representation filed, therefore, it is open to the petitioners to file a detailed representation, within a period of 5 days from today before the concerned authority, who shall take a call in the same terms and pass an order, if need be, separately.

6. With the above-said directions, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

05.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No