

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19251-2023(O&M)
Date of decision: 10.01.2024

Surender Kumar and others
... Petitioners
Versus
State of Haryana and others
... Respondents

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

Present: Mr. Karan Gupta, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana, and
Mr. H.S. Gill, Advocate, for the respondents.

ARUN PALLI, J. (Oral)

On September 1, 2023, a coordinate Bench of this Court had
passed the following order:

“Counsel *inter alia* contends that the land of the
petitioners was acquired vide Award dated 04.07.2014
(Annexure P-2) for the development of institutional and
partly commercial, road widening & green belt of Sector
10, Jhajjar. In view of the policy dated 10.09.2012
(Annexure P-1), there was an option to opt for Land
Pooling Scheme which fact was also mentioned in the
Award also. Resultantly, applications i.e. Annexure P-4
to P-6 were made on behalf of the petitioners. However,
no action had been taken on the same. The petitioners
had approached this Court in CWP-31344-2018,
Surender Kumar and others vs. State of Haryana and
others, which was dismissed as withdrawn on 13.12.2018
(Annexure P-11) with liberty to pursue their remedies
before the respondents. The petitioner thereafter again

represented and vide Annexures P-12 to P-14 and documents were called for on 25.09.2019 (Annexure P-15) by the office of the District Town Planner, Jhajjar. It is submitted that thereafter also, no action has been taken by the respondents to process the case and the last representation dated 09.06.2023 (Annexure P-17) has been moved and the petitioners have neither received the compensation nor the benefit of the scheme.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana accepts notice on behalf of respondent Nos.1 and 2 and Mr. Mohit Jaidka, Advocate accepts notice on behalf of Mr. Deepak Sabherwal, Advocate for respondent Nos.2 and 3 and both the counsels pray for time to file replies.

Adjourned to 31.10.2023.

In the meantime, it is open to the respondents to decide the representation dated 09.06.2023 (Annexure P-17) by passing a speaking order and place the same on record alongwith the written statement.”

A copy of the communication, dated 09.01.2024, addressed to the petitioner(s), has been placed before us by learned counsel for the respondents, which is taken on record as ‘X’. It indicates that a personal hearing is being afforded to the petitioners on 12.01.2024 at 3:00 PM, as regards their concerns/grievances.

Learned counsel for the respondents submits that in the wake of this development, let this petition be disposed of, at this stage, to enable the competent authority to examine the claim/concerns of the petitioners. And pass necessary orders, in accordance with law.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondents. And submits, since a personal hearing is being afforded to the petitioners to settle their claim, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the authorities be directed to dispose of the same within a specified time.

To this, learned counsel for the respondents submits that after the petitioners are heard on 12.01.2024, the competent authority shall make every possible endeavor to finally decide the matter as expeditiously as possible, but not later than 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 consider the matter in the right earnest, and pass the necessary orders.

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

10.01.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO