

2024:PHHC:154617-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-31476-2024
Decided on : 22.11.2024

Jaspal Kaur & others

.....Petitioner(s)

Versus

State of Punjab& others

.....Respondent(s)

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

Present: Mr.Raj Kumar Rathore, Advocate, for the petitioner(s).

Ms.Arundhati Kulshrestha, AAG, Punjab.

G.S. Sandhawal, J. (Oral)

1. Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is to acquire the land measuring 15 marlas approximately situated in Village Mauli Baidwan, Tehsil & District SAS Nagar (Mohali) which has become useless, uneconomic, uncultivable, inaccessible.

2. It is the case of the petitioners that acquisition was done except of the above-said land which falls in Khewat No.70/64, Khatoni No.71, Khasra No.35//18/1 & Khewat No.72/66, Khatoni No.73, Khasra No.35//17/3/3 situated in Village Mauli Baidwan, Tehsil & District SAS Nagar (Mohali). The acquisition is for setting up of residential Urban Estate (Sector 80) vide award No.480 dated 07.05.2001 (Annexure P-2). The grievance of the petitioners is that the said patch of land cannot be used for any other purpose due to various reasons and request has been made for acquiring the unacquired land and give benefit under the Land Pooling Scheme qua the said land.

3. Counsel for the petitioners, at the outset, submits that he would be satisfied if the representation made by way of legal notice dated 29.08.2024 (Annexure P-5), followed up on 19.09.2024 (Annexure P-6) is decided within a fixed time-frame.

4. Notice of motion.
5. Ms.Kulshrestha accepts notice on behalf of respondent No.1-State.
6. We have perused the material placed on record and with the assistance of the Learned State Counsel appearing for respondent No.1, gone through the site-plan (Annexure P-4). Keeping in view the limited relief sought and the fact that decision making is yet to be done, we are of the considered opinion that the legal notice dated 29.08.2024 (Annexure P-5), followed up on 19.09.2024 (Annexure P-6) be decided as it is contended that the petitioners have a legal right in the land in question and secondly, on account of non-acquisition, the grievance has arisen which has to be duly redressed, which prima facie, from the documents annexed, show as such.
7. Resultantly, we do not call upon the respondents to file reply to the writ petition.
8. Accordingly, we dispose of the present writ petition, with direction to respondent No.1 to take a decision on the legal notice dated 29.08.2024 (Annexure P-5) within a period of 2 months from the receipt of certified copy of this order and pass a reasoned order, keeping in view the contentions noted above.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

22.11.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No