

(2014) 04 P&H CK 0135
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6258 of 2014

Savita Rani

APPELLANT

Vs

The State of Haryana

RESPONDENT

Date of Decision : 01-04-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 48, 6

Citation : (2014) 04 P&H CK 0135

Hon'ble Judges : Surya Kant, J; Lisa Gill, J

Bench : Division Bench

Advocate : Sanjiv Gupta, Advocate for the Appellant; Palika Monga, DAG, Haryana, Advocate for the Respondent

Judgement

Surya Kant, J.—Notice of motion to respondent Nos. 1 & 3 only.

2. On our asking, Ms. Palika Monga, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

3. Let two copies of the writ petition be supplied to the learned State counsel during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

4. In view of the nature of order which we propose to pass, neither there is any necessity to serve respondent No. 2 nor any counter reply from respondent Nos. 1 & 3 is needed at this stage.

5. The petitioners question the validity of Notifications dated 11.07.2006 (Annexure P-2) and 16.07.2007 (Annexure P-4) issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), respectively, and the Award dated 23.06.2009 (Annexure P-7) passed by the Land Acquisition Collector, Karnal, to the extent of acquisition of their land measuring 1 Bigha 17 biswas, fully described in para No. 2 of the writ petition and situated within the revenue estate of Kasba Karnal.

6. It appears that a part of the above-stated land has been released by the State Government in exercise of its powers u/s 48 of the Act. Learned counsel for the petitioners, however, submits that under the directions issued by this Court in CWP Nos. 5634 of 2013 and 12717 of 2013 (Annexures P-14 & P-15, respectively), fresh survey is required to be conducted by the respondent-authorities and in such a process the petitioners' entire and/or substantial part of the land where construction has been raised, deserves to be released.

7. Having heard learned counsel for the parties and considering the nature of relief sought in this writ petition, however, without expressing any views on the merits of petitioners' assertion, which is a factual plea, we dispose of this writ petition with a direction to the respondents to verify the above-mentioned claim of the petitioners and if found correct, take an appropriate decision in accordance with the directions already issued by this Court vide order dated 15.03.2013 passed in Civil Writ Petition No. 5634 of 2013 (Nasibu Deen versus The State of Haryana and others (Annexure P-14), within a period of three months from the date of receiving a certified copy of this order.

8. Till then, no demolition shall be carried out.

Dasti.