
(2013) 08 P&H CK 0044
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 17596 of 2013

Tara Chand

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 14-08-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 5A, 6

Citation : (2013) 08 P&H CK 0044

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Sandeep Sharma, for the Appellant; Palika Monga, Senior DAG, Haryana, for the Respondent

Judgement

Surya Kant, J.—Notice of motion. Ms. Palika Monga, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

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

3. In view of the nature of order which we propose to pass, there is no necessity to seek any counter-reply from the respondents at this stage.

4. The acquisition of the petitioner's land measuring 7 kanal 6 marls took place way back vide notifications dated 10.09.1992 and 6.9.1993 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short, "the Act"). The same is now being questioned essentially for issuance of a direction for the release of acquired land on the plea that it has not been utilized for any "public purpose" so far, and the petitioner continuous to retain its possession. The other plea taken is that no public notice was served upon the land-owners and no opportunity to file objections u/s 5-A of the Act was given. It is also claimed that various acquired properties which could not be utilized for any "public purpose", have since been released by the State Government vide orders like dated 17.01.2006,

17.08.2007, 11.09.2007 and 08.10.2012 (Annexures P-7, P-8, P-9 & P-10, respectively). The petitioner has also submitted a representation dated 4.12.2012 (Annexure P-6) in this regard.

5. Having heard learned counsel for the parties and keeping in view the nature of relief sought by the petitioner, however without expressing any views on the merits of his claim, we dispose of this writ petition with a direction to the respondents to consider the above-mentioned claim of the petitioner and dispose of it by passing a speaking order in accordance with law and the Government policy, within a period of four months from the date of receiving a certified copy of this order. Dasti.