

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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CWP No. 10165 of 1992(O&M)

Date of Decision: 27.05.2015

Jitender Gupta

---Petitioner

versus

State of Haryana and others

---Respondents

**Coram: Hon'ble Mr. Justice Ajay Kumar Mittal
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. S.S.Narula, Advocate
for the petitioner**

Ms. Palika Monga, DAG, Haryana

**Mr. Anshul Jain, Advocate
for Mr. Amar Vivek, Advocate
for HUDA**

Ajay Kumar Mittal, J.

The petitioner-land owner has approached this Court under Articles 226/227 of the Constitution of India impugning notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short “the Act”) and also the supplementary award dated 25.3.1988 (Annexures P-1, P-3 and P-3A respectively).

2. Learned counsel for the petitioner states that during the pendency of the writ petition, a right has accrued to the petitioner under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In short “2013 Act”), being in possession of the land in dispute. On the aforesaid premises, it was urged that he may be allowed to withdraw the writ petition with

liberty to the petitioner to file a detailed and comprehensive representation before the appropriate authority taking all the pleas as has been sought to be raised in the writ petition including plea under Section 24(2) of 2013 Act. It was, however, stated that the concerned authority be directed to decide the same within some time bound frame.

3. Dismissed as withdrawn. However, liberty is granted to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition and also regarding lapsing of acquisition proceedings under Section 24(2) of 2013 Act before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of two months from today, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority. Till the matter is decided by the said authority, status quo shall be maintained by the parties. It is, however, made clear that in case, no such representation is filed within the stipulated period, as noticed above, the interim order shall cease to operate thereafter.

(Ajay Kumar Mittal)
Judge

(Rekha Mittal)
Judge

27.05.2015
PARAMJIT