

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7639 of 2003 (O&M)

Date of Decision: 29.6.2015

Mohan Nagar, Plot-holders Association, Ambala Cantt and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Ashok Gupta, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 10.11.2000 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 8.11.2001 (Annexure P-2) under Section 6 of the Act.

2. The facts, in brief, necessary for adjudication of the present petition as narrated therein may be noticed. Mohan Nagar Colony at village Shahpur, near Ambala Cantt. which was established in the year 1984 to 1986, consists of 327 plots and is spread over in an area of 25 acres of land. It is surrounded by other residential colonies of similar type and commercial buildings. It has houses with 'A' class construction

on some plots before the issuance of notification under Section 4 of the Act. Government of Haryana vide notification dated 10.11.2000 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 8.11.2001 (Annexure P-2) under Section 6 of the Act acquired the land in question. Some of the plot holders filed objections under Section 5-A of the Act, copy of one of the objections dated 8.12.2000 is Annexure P-5. The objections were disposed of. Earlier also, the respondents vide notification dated 8.2.1989 issued under Section 4 of the Act acquired the land of three villages, namely, Nanhera, Shahpur and Ghasitpur including the land of the petitioners for the same purpose. Various writ petitions were filed challenging the said notification including CWP No. 1124 of 1992 filed by most of the petitioners. The said writ petition was allowed by this Court vide order dated 23.7.1993 and the acquisition proceedings were quashed. The respondents filed LPA No. 268 of 1993 against the order dated 23.7.1993 and the said LPA was dismissed by this Court vide order dated 12.8.1994. Prayer was made for release of the land in question in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "2013 Act") as the petitioners are still in physical possession of the same. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioners are in physical possession of the land in dispute. It was claimed that in such circumstances, in view of Section 24(2) of the 2013 Act, the notifications under Sections 4 and 6 of the Act had lapsed. It was further submitted that since no demand notice claiming the relief as claimed in respect of lapse of notifications has been filed with the

respondents, the present writ petition be dismissed as withdrawn with liberty to the petitioners to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition, however, direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law. A prayer for interim relief was also made.

4. In view of the above, the present writ petition is disposed of by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as are available to them before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners 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 them within a period of four months from the date of receipt of representation. The petitioners shall be entitled to lead any evidence to substantiate their 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

June 29, 2015
gbs

(REKHA MITTAL)
JUDGE