

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.1575 of 1992 (O&M)
Date of Decision:-31.08.2015**

M/s Elsons Cotton Mills

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present:- Mr. Chetan Mittal, Senior Advocate
with Mr. Tushar Sharma, Advocate,
for the petitioner.

Mr. Sandeep Moudgill, Addl. A.G., Haryana.

SATISH KUMAR MITTAL, J.(Oral)

The petitioner has filed the instant writ petition challenging the notifications dated 26.12.1988 (Annexure P-2) and 22.03.1989 (Annexure P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894, respectively, as well as the notices dated 26.11.1991 (Annexures P-17, P-18 and P-19) issued under Section 9 of the said Act.

During the pendency of this writ petition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the RFCT Act') came into force. Now the petitioner has moved an application under Section 24(2) of the RFCT Act with a prayer that in view of the fact that neither the

possession was taken nor the compensation was paid, the said acquisition has lapsed.

In view of this, learned senior counsel for the petitioner states that the petitioner may be permitted to withdraw this petition with liberty to make a representation under Section 24(2) of the RFCT Act to the appropriate Government to take a decision on the same in accordance with the directions given by this Court in Sunita Sahrawat and others vs. State of Haryana and others, (CWP No.6652 of 2014, decided on 29.05.2015).

In view of this, learned counsel for the respondent-State has no objection in this regard.

In view of the aforesaid, the petitioner is permitted to withdraw the main writ petition with liberty to make a representation under Section 24 (2) of the RFCT Act to the appropriate Government in light of the decision rendered by the Division Bench of this Court in Sunita Sahrawat's case (supra) and we direct the respondents to take a decision on the said representation in light of the decision rendered in Sunita Sahrawat's case (supra).

Till the decision on the representation, the status-quo shall be maintained.

(SATISH KUMAR MITTAL)
JUDGE

August 31, 2015
vkg

(MAHAVIR S. CHAUHAN)
JUDGE