

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2935 of 1996 (O&M)

Date of Decision: 14.7.2015

National Woollen and Finishers, Nizampur, Panipat

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Sourabh Goel, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 2.3.1993 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 1.3.1994 (Annexure P-5) under Section 6 of the Act.

2. Put shortly, the facts necessary for adjudication of the present petition as narrated therein may be noticed. Government of Haryana vide notification dated 2.3.1993 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 1.3.1994 (Annexure P-5) under Section 6 of the Act acquired the land of various villages including the land of the petitioner for the development and utilization of

land as residential, commercial and institutional area for Sector 18, Panipat. The petitioner filed objections under Section 5-A of the Act on 12.4.1993 (Annexure P-4). The respondents have not acquired the vacant land falling within the vicinity of the land, building and factory of the petitioner. The vacant land owned by the influential persons had been released whereas the land of the petitioner having building and factory had been acquired. Hence, the present writ petition.

3. An application bearing CM No. 680 of 2015 has been filed under Section 151 of the Code of Civil Procedure 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 petitioner is still in physical possession of the same.

4. Learned counsel for the petitioner submitted that the petitioner is 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 petitioner 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.

5. In view of the above, the present writ petition as well as the

application are disposed of by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as are available to the petitioner 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 it within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its 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

July 14, 2015
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(REKHA MITTAL)
JUDGE