

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 8342 of 2000 and
CM Nos. 14834 to 36 of 2014 &
CWP No. 5035 of 2000

Date of Decision: 5.8.2015

Ram Sarup and another

....Petitioners.

Versus

State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Avnish Mittal, Advocate for the petitioners.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

CM Nos. 8342 of 2000 and 14834-35 of 2014

Applications are allowed as prayed for. The documents are taken on record subject to all just exceptions.

CWP No. 5035 of 2000 (O&M)

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 15.5.1997 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 14.5.1998 (Annexure P-3) under Section 6 of the Act and the entire acquisition proceedings.

2. The facts, in brief, necessary for adjudication of the present petition as narrated therein may be noticed. The petitioners are owners in possession of the land measuring 27 bigha 18 biswas pukhta, situated

within the revenue estate of village Bindapur, Tehsil and District Gurgaon and have constructed four houses thereon. Government of Haryana vide notification dated 15.5.1997 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 14.5.1998 (Annexure P-3) acquired the land of the various villages including the land of the petitioners for the development and utilization of land for residential, commercial and institutional area, Sector 51, Gurgaon. The petitioners filed objections under Section 5-A of the Act on 11.6.1997 (Annexure P-2). The respondents constituted a committee to consider the cases for release of land having 'A' and 'B' class construction. The Director Urban Estate, Haryana wrote a letter dated 20.8.1999 (Annexure P-4) to respondent No.2 for release of the land by the constituted committee. The petitioners were issued notice dated 18.4.2000 (Annexure P-5) under Section 9 of the Act. The Government framed policies dated 22.7.1996 (Annexure P-8) and dated 26.6.1991 (Annexure P-9) for not acquiring the land having 'A' class construction. In this way, the land of the petitioners have to be exempted by the respondents from acquisition. Hence, the present writ petition.

3. An application bearing CM No. 14836 of 2014 has been filed praying 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.

4. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute and no compensation has been paid to them. 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.

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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE