

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20012 of 2001 (O&M)

Date of Decision: 5.8.2015

Parveen Ahuja

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Kulbhushan Sharma, Advocate for the petitioner.

Mr. Gaurav Jindal, Additional 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 12.6.2000 (Annexure P-15) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 11.6.2001 (Annexure P-16) under Section 6 of the Act for acquisition of land including the land of the petitioner situated within the revenue estate of Ajronda, Tehsil and District Faridabad.

2. Put shortly, the facts necessary for adjudication of the present petition as narrated therein may be noticed. The petitioner purchased the land measuring 19 marlas being 19/151 share of land measuring 7 kanal 11 marlas situated within the revenue estate of

Ajronda, Tehsil and District Faridabad and mutation dated 17.2.1992 (Annexure P-1) thereof was sanctioned in his favour. In December, 1950, some lands including the land of the petitioner were notified for acquisition for development of a New Industrial Town at Faridabad including the land of the revenue estate of Ajronda situated between the western side of Delhi-Mathura Road and the eastern side of the railway line. The Estate Officer of the New Industrial Town of Faridabad had sought to obtain possession of the lands situated between railway line and Delhi Mathura Road in 1979 by issuing notices under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for brevity "1971 Act"). Some of the landowners who were served with notices under Section 4 of the 1971 Act, filed writ petitions. The said writ petitions were allowed and the notices under Section 4 of the 1971 Act were quashed by this Court vide order dated 27.4.1981 passed in CWP No. 631 of 1979. The LPA filed against the said order was dismissed by this Court vide order dated 30.4.1982 and the SLP against thereto was also dismissed by the Supreme Court vide order dated 28.7.1993 (Annexure P-4). Respondent No.1 had issued notifications dated 19.12.1973 (Annexure P-5) and dated 6.11.1981 (Annexure P-6) under Section 4 of the Act for acquisition of land situated within the revenue estate of Arjonda between the railway line and the Delhi Mathura Road with a view to peg down the prices of the land but the said notifications were allowed to lapse. Thereafter, notification dated 6.2.1989 (Annexure P-7) issued under Section 4 of the Act followed by notification dated 2.2.1990 (Annexure P-8) under Section 6 of the Act for acquisition of the land in question. The said notifications were challenged by way of writ petitions and the notifications in question were quashed by this Court

vide order dated 23.9.1991 (Annexure P-9) passed in CWP No. 3617 of 1990. Another notification dated 5.6.1992 (Annexure P-10) under Section 4 of the Act was issued for acquisition of the land. Some of the landowners filed objections under Section 5-A of the Act. The respondent-State did not go ahead with the acquisition of the lands qua the land of the petitioner. Thereafter, another notifications dated 5.6.1992 (Annexure P-11) under Section 4 of the Act and dated 3.7.1995 (Annexure P-12) under Section 4 of the Act followed by notification dated 3.7.1995 (Annexure P-13) under Section 6 of the Act were issued for acquisition of the land in question. The petitioner along with other challenged the said acquisition by way of CWP No. 12359 of 1998 and this Court vide order dated 11.5.1999 (Annexure P-14) quashed the acquisition proceedings. Again Government of Haryana vide notification dated 12.6.2000 (Annexure P-15) issued under Section 4 of the Act followed by notification dated 11.6.2001 (Annexure P-16) under Section 6 of the Act acquired 23.09 acres of land for commercial, institutional, recreational and residential purposes as Sector 20-A, Urban Estate, Faridabad. The petitioner filed objections under Section 5-A of the Act. A public notice dated 13.6.2001 (Annexure P-17) was published for publication of notification dated 11.6.2001. State of Haryana through Local Government Department agreed to regularize the area in and around the land of the petitioner and wrote a letter dated 24.3.1994 (Annexure P-18) to the then Faridabad Complex Administration for regularization of unauthorized area of Ajroni, Sector 21-A, Faridabad. The lands of Shri Mahipal Singh etc. was released from acquisition vide order dated 5.4.1991 (Annexure P-19). Further, the Friends Colony set up in Sector 20, Faridabad has been excluded from acquisition vide

letter dated 15.3.1996 (Annexure P-20). Similarly, the land of G.S. Kocher and Company has also been released vide order dated 27.5.1997 (Annexure P-21) and that of Kewal colony, Faridabad has also been excluded from the acquisition. However, the land of the petitioner has not been excluded from acquisition. Hence, the present writ petition.

3. An application bearing CM No. 13231 of 2014 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 and no compensation has been paid to him.

4. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to him. 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 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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE