

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13364 of 2007 (O&M)

Date of Decision: 23.7.2015

Ved Parkash @ Ved Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. M.L. Sharma, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. Through the 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 19.10.2001 (Annexure P-7) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 18.10.2002 (Annexure P-8) under Section 6 of the Act, notice dated 18.10.2002 (Annexure P-9) under Section 9 of the Act and the award dated 14.10.2004.

2. The facts, in brief, necessary for adjudication of the present petition as narrated therein may be noticed. The petitioner purchased the land measuring 6 bigha 12 biswas situated within the revenue estate of village Sonapat Patti Musalamana, Tehsil and District Sonapat for

₹ 11,68,500/- along with superstructure standing thereon vide sale deed dated 4.6.2003 (Annexure P-2). The land in question has been notified under Sections 4 and 6 of the Act. The previous owner has filed objections under Section 5-A of the Act. The petitioner made a representation dated 20.6.2003 (Annexure P-4) to respondent No.1 for release of the land along with superstructures, but to no effect. Thereafter, various representations were made by the petitioner, upon which respondent No.5 wrote a letter dated 10.11.2004 (Annexure P-5) to the Director, Urban Estates Department, Haryana that with the representation no revenue records have been submitted. In pursuance thereto, the petitioner vide letter dated 30.11.2004 (Annexure P-6) submitted a copy of the revenue record including mutation No. 10425 and *aks shijra*. Government of Haryana vide notification dated 19.10.2001 (Annexure P-7) issued under Section 4 of the Act followed by notification dated 18.10.2002 (Annexure P-8) under Section 6 of the Act acquired the land of various villages including the land of the petitioner for the purpose of residential and commercial, Sector-2, Sonapat. Notice, Annexure P-9, under Section 9 of the Act was issued to the petitioner. The petitioner challenged the acquisition proceedings by filing CWP No. 18584 of 2004 which was dismissed as withdrawn by this Court vide order dated 1.3.2005 (Annexure P-10), with liberty to file a fresh petition if the aforementioned order is not received by him. Since, no order was received by the petitioner, he filed CWP No. 4597 of 2006 and this Court vide order dated 24.3.2006 (Annexure P-11). In pursuance thereto, the petitioner filed a representation dated 21.4.2006 (Annexure P-12) before the High Powered Committee who vide order dated 14.11.2006 (Annexure P-13) rejected the claim of the petitioner.

Thereafter, the petitioner sent a representation dated 5.12.2006 (Annexure P-14) to respondent No.1 for the release of land, but no response has been received till date. The award was passed on 14.10.2004. The respondents have released various land from acquisition sold by some of the landowners but the land of the petitioner was not being released. The petitioner made representations on 12.1.2007 (Annexure P-24), on 20.2.2007 (Annexure P-25) on 27.3.2007 (Annexure P-26) and thereafter on 25.7.2007 for release of land, but to no effect. 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 petitioner is still in physical possession of the same and no compensation has been paid to him. Hence, the present writ petition.

3. 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. A prayer has been made that the matter be referred to the Committee as the petitioner shall file a detailed and comprehensive representation by incorporating all the pleas 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. Prayer for interim relief is also made.

4. In view of the above, the present writ petition is disposed of by granting liberty to the petitioner to file a detailed and comprehensive

representation raising all the pleas as are available to him 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 the petitioner 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

July 23, 2015
gbs

(REKHA MITTAL)
JUDGE