

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19996 of 2003

Date of Decision:- 16.07.2015.

Visitation Congregation of Alleppey Kerala and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Teevar Sharma Dumerkha, Advocate for
the petitioners.

Mr. Naveen Kaushik, Additional A.G. Haryana.

Mr. Manish Mehta, Advocate for
Mr. Raman Gaur, Advocate for HUDA.

SURYA KANT, J. (ORAL)

1.) The instant writ petition lays challenge to the notifications dated 17.11.2002 and 07.11.2003 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (since repealed) as also the subsequent proceedings, if any, that might have taken place. Vide above stated notifications, the land of petitioners measuring 13 *kanals* 9 *marla* as per the details given in the head note of the writ petition, has been acquired.

2.) Learned counsel for the petitioners submits that pending this writ petition, the acquisition has lapsed in view of Section 24 (2) of the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The above stated plea is, however, controverted by State counsel. Since the adjudication of the petitioners' claim under Section 24 (2) of the 2013 Act would necessitate the consideration of relevant record including revenue entries etc. we dispose of this writ petition with liberty to the petitioners to file an appropriate petition-cum-application under Section 24 (2) of the 2013 Act before the Land Acquisition Collector, Panchkula (who deals with Kaithal District also) within a period of two months from today. If such a petition is filed, the Land Acquisition Collector is directed to decide the same in accordance with law within a period of four months.

3.) Till then, the parties are directed to maintain status quo regarding possession and alienation and/or further construction.

4.) In case, the grievance of the petitioners is not fully redressed by the Land Acquisition Collector, they shall be at liberty to approach the appropriate forum where-before they may raise the additional pleas also which have been taken in this writ petition.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

July 16, 2015.

sandeep sethi