

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10114 of 2014

Date of Decision: 12.5.2015

Bharam Pal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Manoj Kumar Sood, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. In this 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 notification dated 3.7.1973 (Annexure P-2) issued under Section 6 of the Land Acquisition Act, 1894 (in short "the Act"), 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")

2. The father of the petitioner along with his mother and his sisters was owner in physical possession of the agricultural land measuring 35 kanal 11 marlas to the extent of 1/5th share each situated within the revenue estate of village Kheri Kalan, Tehsil and District Faridabad. Out of the said land, the land measuring 3 kanal 6 marlas was acquired by respondent No.2 vide notification dated 3.7.1973

(Annexure P-2) issued under Section 6 of the Act for constructing a link road from Kheri Kalan to Kheri Khurd. The award was passed on 17.10.1974. Tulsi Ram (deceased) submitted a representation, Annexure P-4, to the Deputy Commissioner, Faridabad for the release of the land from acquisition which was forwarded to the Tehsildar, Faridabad who submitted the report, Annexure P-5, after demarcation. After submission of report, respondent No.3 sent the said representation to respondent No.1 vide letter dated 6.12.1977 (Annexure P-6). The petitioner is still in physical possession of the land in question. No compensation has been paid to him. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is still in physical possession of the land in question 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, liberty be granted 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.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the

petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition 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

May 12, 2015
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(REKHA MITTAL)
JUDGE