

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10168 of 2014

Date of Decision: 7.7.2015

Satish Chand and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Harkesh Manuja, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Padam Kant Dwivedi, Advocate for respondents No.3&4.

AJAY KUMAR MITTAL, J.

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 27.8.1987 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 25.8.1988 (Annexure P-3) under Section 6 of the Act qua their land measuring 1 kanal 8 marlas situated within the revenue estate of village Jharsa, District Gurgaon, 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. Government of Haryana issued a notification dated 27.8.1987 (Annexure P-2) under Section 4 of the Act followed by

notification dated 25.8.1988 (Annexure P-3) under Section 6 of the Act for acquisition of the land situated within the revenue estate of village Jharsa, Tehsil and District Gurgaon including the land of the father of the petitioners for the development and utilization of Sector 32, HUDA, Gurgaon but lateron, it has been utilized for Sector 39, HUDA, Gurgaon. The award was passed on 16.3.1989. The father of the petitioner had expired on 30.11.1991 and his estate has been succeeded by the petitioners. The father of the petitioners filed CWP No. 4124 of 1989 challenging the acquisition proceedings which was dismissed by this Court. The petitioners are still in physical possession of the land in question. Although, they have received the amount of compensation but they are ready to return the same along with interest regarding 1 kanal 8 marlas of land. According to the petitioners, 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 petitioners submitted that the petitioners are in physical possession of the land in dispute. Although, they have received the amount of compensation but they are ready to return the same along with interest regarding 1 kanal 8 marlas of land. 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 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.

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 petitioners 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 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

July 7, 2015
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(REKHA MITTAL)
JUDGE