

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10299 of 2014

Date of Decision: 21.4.2015

Ashish Kishor and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Ms. Arti Bansal, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent-HUDA.

AJAY KUMAR MITTAL, J.

1. The petitioners have approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the notifications dated 17.11.2005 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.2.2006 (Annexure P-2) under Section 6 of the Act and the award dated 2.3.2006 (Annexure P-3) made qua their land situated in village Barh Khalsa, Tehsil and District Sonapat as having lapsed 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. State of Haryana issued notifications dated 17.11.2005 (Annexure P-1) under Section 4 of the Act followed by notification dated 7.2.2006 (Annexure P-2) under Section 6 of the Act for acquisition of 299.57 acres of land of nine villages including that of village Barh Khalsa of the petitioners for a public purpose, namely, for the development and utilization as commercial, institutional and residential Sectors 65 to 68, Sonapat. The petitioners filed objections dated 5.12.2005 under Section 5-A of the Act. The award was passed on 2.3.2006 (Annexure P-3). The petitioners challenged the said acquisition proceedings by filing CWP Nos. 3618 of 2006 and 3658 of 2006 which were dismissed by this Court vide orders dated 31.5.2006 and 15.9.2006, respectively. The said orders were challenged by the petitioners by filing SLP(C) No. 16259 of 2006 in the Supreme Court which was also dismissed vide order dated 22.9.2006. Thereafter, the petitioners filed CWP No. 23996 of 2013 and the said petition was also dismissed by this Court vide order dated 11.11.2013. The petitioners are still in physical possession of the land in question. No compensation has been paid to them. 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 and compensation has not been paid to them. 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.

(AJAY KUMAR MITTAL)
JUDGE

April 21, 2015
gbs

(SHEKHER DHAWAN)
JUDGE