

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10323 of 2014

Date of Decision: 1.5.2015

Tilak Raj and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vijay Kumar, Advocate with
Mr. Atul Sharma, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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

AJAY KUMAR MITTAL, J.

1. In this 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 4.11.1977 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 1.11.1980 (Annexure P-2) under Section 6 of the Act and the award dated 2.5.1984 and for declaration of such proceedings as having lapsed qua the land of the petitioners situated at village Meola Maharajpur, Tehsil Ballabgarh, District Faridabad, 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 vide notification dated 4.11.1977 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 1.11.1980 (Annexure P-2) acquired the land situated within the revenue estates of Meola, Maharajapur, Aurangpur and Sarai Khawja for the development and utilization of the land as industrial areas in Sectors 31, 32, 35 and 36, Faridabad-Ballabgarh Controlled Area. However, the land measuring 157.32 acres has been excluded from the acquisition out of the land of revenue estate of Meola Maharajpur. Further, 10.28 acres and 88.90 acres of land have also been excluded from the acquisition of the revenue estates of Aurangpur and Sarai Khawja. The petitioners made various representations to the respondents for exclusion of their land from acquisition but to no effect. The award was passed on 2.5.1984 (Annexure P-3). The petitioners filed CWP No. 2335 of 1986 (Annexure P-4) challenging the said acquisition proceedings and this Court vide order dated 8.9.1993 (Annexure P-5) dismissed the said writ petition along with other connected petitions. Feeling aggrieved, the petitioners filed LPA No. 824 of 1993 which was also dismissed by this Court vide order dated 10.1.1994. Thereafter, the petitioners filed SLP (C) No. 22969 of 1996 in the Supreme Court and the same was dismissed vide order dated 7.1.1996 (Annexure P-6) and the review petition filed against the said order was also dismissed by the Apex Court vide order dated 7.1.1997. 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 in para 36

of the writ petition, it has been categorically stated that the petitioners are in actual physical possession of the land in dispute till date and no compensation has been paid to them whereas in the order dated 11.11.2014 passed by this Court, it was inadvertently recorded that possession of the acquired land was taken. It was prayed that 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. However, the learned State counsel disputed that the petitioners are in physical possession.

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

May 1, 2015
gbs

(REKHA MITTAL)
JUDGE