

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10365 of 2015

Date of Decision: 26.5.2015

Som Nath 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. Sanjv Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners, through the instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 21.4.1987 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 20.4.1988 (Annexure P-3) under Section 6 of the Act along with all consequential proceedings arising therefrom.

2. The petitioners are owners in possession of the land situated within the revenue estate of Ratgal, Tehsil Thanesar, District Kurukshetra. Government of Haryana issued a notification dated 21.4.1987 (Annexure P-2) under Section 4 of the Act followed by notification dated 20.4.1988 (Annexure P-3) under Section 6 of the Act for acquisition of 41.81 acres of land of village Ratgal, Tehsil Thanesar,

District Kurukshetra for the development and utilization of land as residential and commercial area, Sector 11, Kurukshetra. The award was passed on 12.4.1990. The land in question was again acquired vide notification dated 11.2.2002 issued under Section 4 of the Act (Annexure P-4) followed by notification dated 10.2.2003 (Annexure P-5) under Section 6 of the Act for the development and utilization of land as residential, commercial, institutional and industrial area for Sectors 6-11, Kurukshetra. The petitioners filed objections under Section 5-A of the Act. The award was passed on 8.2.2005 (Annexure P-7). They are still in physical possession of the land in question. Although, they have received the amount of compensation but have deposited back the same along with interest. According to the petitioners, the acquisition proceedings have 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"). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute. They have received the amount of compensation but have deposited back the same along with interest. 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 petitioners, 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 26, 2015
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(REKHA MITTAL)
JUDGE