

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10432 of 2015

Date of Decision: 25.5.2015

Naveen Kumar Arora 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. Divay Sarup, Advocate for the petitioners.

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 25.1.2006 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 6.10.2006 (Annexure P-6) under Section 6 of the Act and the award dated 5.2.2007 (Annexure P-9) and all subsequent proceedings. Further, a writ of mandamus has been sought declaring the acquisition deemed to 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").

2. Government of Haryana issued a notification dated 25.1.2006 (Annexure P-5) under Section 4 of the Act followed by

notification dated 6.10.2006 (Annexure P-6) under Section 6 of the Act for acquisition of land of the petitioners and others for setting up of the Industrial Estate, Rohtak to be planned and developed as an integrated complex for industrial, other public utilities etc. The petitioners moved a representation dated 6.11.2006 (Annexure P-7) to various authorities for the release of their land. The Land Acquisition Collector vide letter dated 22.12.2006/2.1.2007 (Annexure P-8) recommended for the release of land of the petitioners. The award was passed on 5.2.2007 (Annexure P-9). Petitioner No.1 filed CWP No. 3318 of 2007 which was disposed of by this Court vide order dated 11.9.2007 (Annexure P-10) with a direction to respondent No.1 to dispose of the pending representation of the petitioner. Since, the representation was not decided by respondent No.1, petitioner No.1 filed COCP No. 1721 of 2007. In the meantime, the representation of the petitioners was rejected vide order dated 23.1.2008 (Annexure P-11). The contempt petition was also disposed of by this Court vide order dated 13.3.2008 (Annexure P-12). The petitioner challenged the order dated 23.1.2008 (Annexure P-11) by way of CWP No. 9261 of 2008 and the said writ petition was dismissed by this Court vide order dated 26.5.2008 (Annexure P-13). They 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 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 25, 2015
gbs

(REKHA MITTAL)
JUDGE