

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11169 of 2014

Date of Decision: 21.4.2015

Ramesh 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: Mr. Neeraj Gupta, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.4.

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 20.4.1990 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 18.4.1991 (Annexure P-3) under Section 6 of the Act, the award dated 22.3.1993 and all the subsequent proceedings taken in pursuance thereof and further praying that the respondents be directed to release the residential houses on the land of the petitioners 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. The petitioners are in possession of the land measuring 4 kanals as dolidars and have constructed their residential houses on the said land much before the issuance of notification under Section 4 of the

Act. They have been held entitled to get the compensation of the land in question by the reference court vide order dated 24.1.1997 (Annexure P-1). Respondent No.1 issued notification dated 20.4.1990 (Annexure P-2) under Section 4 of the Act followed by notification dated 18.4.1991 (Annexure P-3) for acquisition of the land in question along with other land for the purpose of development and utilization of land as residential, commercial, institutional area in Gurgaon. The award was passed on 23.3.1993. A committee was constituted for examining the requests of the persons interested in release of their constructed houses who submitted its report dated 19.12.2006 (Annexure P-5) recommending to release 518.24 square yards land of the petitioners. The petitioners filed CWP No. 7912 of 2013 for the release of their land on which they have constructed their houses and this Court vide order dated 22.4.2013 (Annexure P-6) disposed of the writ petition with a direction to the petitioners to file a representation before the authorities. After the passing of the award, the Government has ordered to release the constructed houses. In pursuance of the order dated 22.4.2013 (Annexure P-6) passed by this Court, the petitioners filed a representation which was rejected vide order dated 24.6.2013 (Annexure P-8). As per the policies (Annexure P-10), the petitioners are eligible for the release of their houses constructed on the land in question. They represented to the various authorities for the release of their houses but to no effect. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as neither the possession of the houses has been taken nor any compensation has been paid to them. 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