

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11174 of 2014 (O&M)

Date of Decision: 17.7.2015

Satish Kumar 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. Rajiv Kataria, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 acquisition of the land made by the respondents vide notifications dated 4.3.1999 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 3.2.2000 (Annexure P-3) under Section 6 of the Act, 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. The petitioners are owners in possession of the land situated in village Garhi Mundo, Tehsil Jagadhri, District Yamuna Nagar. Government of Haryana vide notification dated 4.3.1999 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 3.3.2000

(Annexure P-3) under Section 6 of the Act, acquired the land including the land of the petitioners for the development and utilization of land as residential and commercial area at Yamuna Nagar. The awards were passed on 19.12.2001 (Annexures P-4 and P-5, respectively). The petitioners challenged the said notifications by way of CWP No. 6366 of 2003 which was dismissed by this Court vide order dated 8.3.2011 (Annexure P-6). They sought information under the Right to Information Act, 2005 from respondent No.2 vide application dated 5.3.2014 (Annexure P-7) as to whether any compensation for the land in question was deposited and in response thereto, respondent No.2 vide reply dated 16.4.2014 (Annexure P-8) intimated that the award amount has not been deposited anywhere by the respondents. The petitioners are still in physical possession of the land in dispute and 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. 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

July 17, 2015
gbs

(REKHA MITTAL)
JUDGE