

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 9303 of 2015 and
CWP No. 1064 of 2015

Date of Decision: 5.8.2015

Surender and others

....Petitioners.

Versus

The State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Vikram Singh, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

CM No. 9303 of 2015

Application is allowed as prayed for and the copy of the award dated 3.5.2000 (Annexure P-7) is taken on record subject to all just exceptions.

CWP No. 1064 of 2015

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 5.5.1997 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 4.5.1998 (Annexure P-2) under Section 6 of the Act vide which their land was acquired and to release their house/land, 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 5.5.1997 (Annexure P-1) under Section 4 of the Act followed by notification dated 4.5.1998 (Annexure P-2) under Section 6 of the Act for acquisition of land including the land of the petitioners for the purpose of residential, commercial and institutional area, Sector 52, Gurgaon. The petitioners filed objections under Section 5-A of the Act. The petitioners moved a representation dated 12.1.2014 (Annexure P-5) to the Financial Commissioner, Urban Estate Department, Haryana for release of land in view of Section 24(2) of the 2013 Act, but no action has so far been taken thereon. The award was passed on 3.5.2000 (Annexure P-7). The petitioners are still in physical possession of the land in question. 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. 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 comprehensive 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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE