

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 5533-34 of 2015 in/and
CWP No. 11330 of 2014

Date of Decision: 29.4.2015

Smt. Chandro Devi and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

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

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

CM No. 5533 of 2015

Notice of the application to the Advocate General, Haryana.

Ms. Palika Monga, Deputy Advocate General, Haryana
accepts notice.

After hearing learned counsel for the parties and perusing
the application, the application is allowed and the writ petition is
preponed to today, i.e. 29.4.2015.

CWP No. 11330 of 2014

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 9.6.2003
(Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894
(in short "the Act"), dated 2.6.2004 (Annexure P-3) under Section 6 of
the Act and the award dated 20.12.2005 and all subsequent proceedings

and for directing the respondents to release 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. As per the averments made in the petition, the petitioners are co-owners in possession of the land measuring 3 bigha 7 biswas situated in khasra No.1005 and 1 bigha in khasra No. 1003/1 in village Wazirabad, Tehsil and District Gurgaon. Government of Haryana issued a notification dated 9.6.2003 (Annexure P-2) under Section 4 of the Act followed by notification dated 2.6.2004 (Annexure P-3) under Section 6 of the Act for acquisition of land in question and other land for the purposes of development and utilization of land as residential, commercial, institutional and open spaces area for Sector 57, Gurgaon. The award was passed on 20.12.2005. 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 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.

5. An application bearing CM No. 5534 of 2015 has been filed for stay of dispossession of the petitioners from the land in question. In view of disposal of the writ petition whereby the status quo has been granted, the present application has been rendered infructuous and is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

April 29, 2015
gbs

(REKHA MITTAL)
JUDGE