

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11450 of 2014

Date of Decision: 21.4.2015

Sohan Pal 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. Johan Kumar, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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 31.7.2006 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 9.8.2007 (Annexure P-2) under Section 6 of the Act and for directing the respondents to release their 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. The petitioners are in possession of the land measuring 17 marla situated in village Chandawali, Tehsil Ballabgarh, District Faridabad. Respondent No.1 issued a notification dated 31.7.2006

(Annexure P-1) under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-2) under Section 6 of the Act for acquisition of land for the development of residential sector in Chandali, District Faridabad. The award was passed on 3.8.2008. The petitioners have submitted a representation dated 17.1.2014 (Annexure P-5) to respondents No.1 and 2 for release of their land in view of Section 24(2) of the 2013 Act but to no effect. According to the petitioners, they are still in physical possession of the land in dispute and no 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 no compensation has been taken by 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 the petitioners have moved a representation dated 17.1.2014 (Annexure P-5) to respondents No.1 and 2 for releasing the land in question but no action has so far been taken thereon. They, however, prayed that 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
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(SHEKHER DHAWAN)
JUDGE