

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11496 of 2014

Date of Decision: 1.4.2015

Inderjeet Kaur

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

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

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 30.11.2004 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 28.11.2005 (Annexure P-3) under Section 6 of the Act and the award 27.11.2007 (Annexure P-4) whereby the land of the petitioner has been acquired.

2. As per the averments made in the petition, the petitioner is owner in possession of the land as detailed in para 2 of the writ petition. The respondents issued a notification dated 30.11.2004 (Annexure P-2) under Section 4 of the Act followed by notification dated 28.11.2005 (Annexure P-3) under Section 6 of the Act for acquisition of 56.83 acres

of land including the land of the petitioner for public purpose, namely, for residential and commercial for developing Sectors 19 and 20 Part A in Sirsa. In the notification issued under Section 6 of the Act only land measuring 50.30 acres was notified and the land measuring 6.50 acres was excluded. The award was passed on 27.11.2007 (Annexure P-4) for 49.02 acres of land. However, the land of 24 persons was released. She moved representations dated 1.3.2014 and dated 3.3.2014 (Annexure P-8 Colly) to respondents No.1 and 2 for release of her land but no response has been received so far. The petitioner is still in physical possession of the land in question. No compensation has been paid to her. According to the petitioner, the acquisition proceedings have 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"). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to her. 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 petitioner has moved various representations including representations dated 1.3.2014 and 3.3.2014 (Annexure P-8 Colly) to respondents No.1 and 2 for releasing the land in question but no action has so far been taken thereon. He, however, prayed that liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued

to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law. 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 petitioner 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 petitioner 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 petitioner 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 him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her 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 1, 2015
gbs

(REKHA MITTAL)
JUDGE