

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11498 of 2014

Date of Decision: 5.5.2015

Ram Chander 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: Ms. Anita Balyan, Advocate and
Mr. Amit Sheoran, Advocate for the petitioners.

Mr. Vishal Garg, Addl. Advocate General, Haryana.

Mr. R.D. Bawa, Advocate for respondent No.2.

Mr. Akashdeep Singh, Advocate for respondent No.4.

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 notifications dated 17.4.2002 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 10.4.2003 (Annexure P-4) under Section 6 of the Act and the award dated 25.6.2004 (Annexure P-5) 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

measuring 16 kanals situated in Hadbast No. 64, village Ballour, Tehsil Bahadurgarh, District Jhajjar. Government of Haryana vide notification dated 17.4.2002 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 10.4.2003 (Annexure P-4) under Section 6 of the Act acquired the land, as detailed in para 4 of the writ petition, for the public purpose, namely, for residential, commercial and institutional for development of Sector 1 (Part), Sectors 10-11 (Part), 12 and 13, Bahadurgarh. The petitioners filed objections under Section 5-A of the Act. However, a big chunk of land measuring 58.16 acres was left out from the acquisition. The award was passed on 25.6.2004 (Annexure P-5). They are still in physical possession of the land in question. They are ready to deposit the compensation along with interest received by 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 still in physical possession of the land in dispute and they are ready to deposit the compensation along with interest received 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 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

May 5, 2015
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(REKHA MITTAL)
JUDGE