

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10834 of 2015

Date of Decision: 26.5.2015

Dev Datt

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Amit Jain, Advocate for the petitioner.

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 17.11.1982 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 10.12.1984 (Annexure P-2) under Section 6 of the Act and the award dated 28.7.1994 (Annexure P-3) vide which his land has been acquired. Further, a writ of mandamus has been sought directing the respondents not to acquire the land in question and to release the land of the petitioner 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 petitioner is co-owner of the ancestral property measuring 33 kanal 6 marlas along with his late brother Shri Brahm Dutt

to the extent of 1/2 share situated within the revenue estate of village Jharsa, Tehsil and District Gurgaon. Government of Haryana vide notification dated 17.11.1982 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 10.12.1984 (Annexure P-2) under Section 6 of the Act, acquired the land of the petitioner. The petitioner filed objections under Section 5-A of the Act. The award was passed on 28.7.1994 (Annexure P-3). The petitioner is still in physical possession of the land in question. He is ready to deposit the amount of compensation received by him. According to the petitioner, 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 petitioner submitted that the petitioner is still in physical possession of the land in question and is ready to deposit the amount of compensation received by him. 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 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 petitioner, 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority. 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 26, 2015
gbs

(REKHA MITTAL)
JUDGE