

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11578 of 2014

Date of Decision: 23.4.2015

Bhubneshwar Lal 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. Minakshi Poswal, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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 5.4.1990 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 4.4.1991 (Annexure P-2) under Section 6 of the Act and to consider their case 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 purchased the land measuring 1000 square yards in the year 1976 and constructed their houses over it in the year 1980. Government of Haryana vide notification dated 5.4.1990

(Annexure P-1) issued under Section 4 of the Act followed by notification dated 4.4.1991 (Annexure P-2) under Section 6 of the Act, acquired the land of the petitioners. The petitioners filed objections under Section 5-A of the Act on 3.5.1990 (Annexure P-3). Vide order dated 25.8.2008 (Annexure P-4), the land measuring 578 square yards has been left and remaining land of 429 square yards has been acquired. The petitioners filed CWP No. 22983 of 2012 praying for the release of their land which was dismissed by this Court vide order dated 31.1.2013 (Annexure P-6). It was observed therein that it would be open to the petitioners to approach the respondents for getting the compensation released and in case any application is moved, the same would be decided in accordance with law. In pursuance thereto, the petitioners sent a representation in March, 2013 for the grant of compensation but to no effect. Thereafter, the petitioners filed CWP No. 11438 of 2013 and this Court vide order dated 24.5.2013 (Annexure P-7) disposed of the same with a direction to respondent No.3 to take a decision on the representation by passing a speaking order and after affording an opportunity of hearing within a period of two months from the date of receipt of a certified copy of the order. The petitioners are still in physical possession of the land in dispute and 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 the 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.

(AJAY KUMAR MITTAL)
JUDGE

April 23, 2015
gbs

(REKHA MITTAL)
JUDGE