

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 112 of 2015

Date of Decision: 6.4.2015

Ram Kumar 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: Mr. Sudhansu Makkar, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondents to release their land acquired vide award dated 21.7.2003 in terms 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 predecessor-in-interest of the petitioners, namely, Dharam Singh was recorded as owner in possession of 1/4 share in the land, as detailed in para 2 of the writ petition, situated within the revenue estate of village Wazirabad, Tehsil and District Gurgaon and upon his

death on 28.2.2014, the petitioners succeeded the estate of their father vide registered will dated 4.3.1994. Government of Haryana issued notification dated 24.8.2000 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 22.8.2001 under Section 6 of the Act for acquisition of land measuring 400B-17B-16B including the land of the petitioners for the public purpose for the development of residential, commercial, institutional area of Sector 57 at Gurgaon. The award was passed on 21.7.2003. They have submitted a representation dated 19.9.2014 (Annexure P-5) to respondent No.1 for release of their land in view of Section 24(2) of the 2013 Act as they were in actual physical possession of the land in dispute and no compensation has been paid to them, but to no effect. 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 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 the petitioners have moved a representation dated 19.9.2014 (Annexure P-5) to respondent No.1 for releasing the land in question but no action has so far been taken thereon. He, 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 and 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 6, 2015
gbs

(REKHA MITTAL)
JUDGE