

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11278 of 2015

Date of Decision: 28.5.2015

Sant Ram and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rakesh Dhiman, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the 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 15.11.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 12.11.2003 (Annexure P-3) under Section 6 of the Act and all subsequent proceedings arising therefrom, 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. Government of Haryana issued a notification dated 15.11.2002 (Annexure P-2) under Section 4 of the Act followed by notification dated 12.11.2003 (Annexure P-3) under Section 6 of the Act for acquisition of land of the petitioners. The petitioners filed objections under Section 5-A of the Act. The award was passed on 18.11.2005.

The petitioners filed CWP No. 19733 of 2004 which was disposed of by

this Court vide order dated 13.1.2006 (Annexure P-4) directing the respondents to consider the representation by the High Powered Committee constituted by the State of Haryana. In pursuance thereto, the petitioners filed a detailed representation before respondent No.6 but to no effect. Thereafter, the petitioners filed CWP No. 13442 of 2007 against the award which was disposed of by this Court with a direction to the respondents to decide the representation. Since, the representation was not decided by the respondents, the petitioners filed COCP No. 607 of 2008. In the meantime, respondent No.2 rejected the representation of the petitioners vide order dated 24.1.2009. Against the said order passed by respondent No.2, the petitioners filed CWP No. 18201 of 2009. The said writ petition was dismissed by this Court vide order dated 27.11.2009 (Annexure P-6) and review application against the same was also dismissed by this Court vide order dated 9.7.2010 (Annexure P-7). SLP No. 15318 of 2010 filed against the order dated 27.11.2009 (Annexure P-6) was also dismissed by the Supreme Court vide order dated 4.10.2010 (Annexure P-8). Thereafter, the petitioners filed CWP No. 12149 of 2011 which was dismissed as withdrawn by this Court vide order dated 14.7.2011 (Annexure P-9). The petitioners are still in physical possession of the land in question. 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 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 petitioners, 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 28, 2015
gbs

(REKHA MITTAL)
JUDGE