

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11324 of 2015

Date of Decision: 28.5.2015

Satinder 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. Rajinder Paul, 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 20.1.2003 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 16.1.2004 (Annexure P-3) under Section 6 of the Act vide which their land was acquired. Further, a writ of mandamus has been sought declaring the acquisition proceedings to have lapsed 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 66 kanal 2 marlas situated within the revenue estate of village Kamaspur, District Sonapat. Government of Haryana issued a

notification dated 20.1.2003 (Annexure P-2) under Section 4 of the Act followed by notification dated 16.1.2004 (Annexure P-3) under Section 6 of the Act for acquisition of land of the petitioners for the development and utilization as residential and commercial, Sectors 8-19, Sonapat. The petitioners filed objections under Section 5-A of the Act. The award was passed on 14.1.2006. Major portion of the land has been released in favour of the private builders. Petitioner No.1 moved an application before respondent No.1 for the release of his land from acquisition but to no effect. The petitioners filed CWP No. 12664 of 2010 challenged the said notifications which was dismissed as withdrawn by this Court vide order dated 21.7.2010 with liberty to file a fresh one with better particulars. Thereafter, the petitioners filed CWP No. 3738 of 2011 impugning the said notifications. The said writ petition was dismissed by this Court vide judgment dated 3.3.2011 on the ground of delay. 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
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(REKHA MITTAL)
JUDGE