

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12082 of 2014

Date of Decision: 7.4.2015

Samay Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ajit Sihag, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Raman Gaur, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to release his land 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. As per the averments made in the petition, the petitioner is owner in possession of 1/3 share of the land comprised in khasra No. 4//2/1(1-18), 4//2/2 (1-18) situated within the revenue estate of village Tikri, Tehsil and District Gurgaon. Government of Haryana issued notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 for

acquisition of 18.4859 acres of land for the public purpose, namely, for the development and utilization of land as residential, commercial and institutional Sector 48, Gurgaon. The awards were passed on 26.3.2003 (Annexure P-2) and on 6.12.2012 (Annexure P-3). In the present, the award dated 26.3.2003 (Annexure P-2) was passed. The petitioner filed objection, Annexure P-5, under Section 5-A of the Act. He is still in physical possession of the land in question. No compensation has been paid to 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 two awards dated 26.3.2003 (Annexure P-2) and dated 6.12.2012 (Annexure P-3) have been appended with the writ petition. He, however, clarifies that the dispute in the present petition relates to the award dated 26.3.2003 (Annexure P-2) and not with regard to the award dated 6.12.2012 (Annexure P-3). It was further submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to 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 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 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 him 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. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

April 7, 2015
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(REKHA MITTAL)
JUDGE