IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11441 of 2015

Date of Decision: 28.5.2015

Laxmi Narayan 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. Gopal Sharma, 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 27.1.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-4) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-5) qua their plot/house, having 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 brothers and the co-owners in possession of the land measuring 16 kanals situated within the revenue estate of village Dhaliawas, Tehsil and District Rewari and have

GURBACHAN SINGH
2015.06.29 11:08
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

constructed houses thereon. Government of Haryana issued a notification dated 27.1.2003 (Annexure P-3) under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-4) under Section 6 of the Act for acquisition of land in question for the purpose of making residential and commercial building in Sectors 18, 19 and 20 Part, commercial Sector 17 (Part), Rewari. The petitioners filed objections under Section 5-A of the Act. The adjoining and surrounding residential houses nearby the plot of the petitioners either have been released or not acquired. The award was passed on 20.1.2006 (Annexure P-5). 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

GURBACHAN SINGH
2015.06.29 11:08
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

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

GURBACHAN SINGH
2015.06.29 11:08
I attest to the accuracy and
authenticity of this document
High Court Chandigarh