

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12185 of 2014

Date of Decision: 6.7.2015

Dalbir Singh and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. O.P. Goyal, Senior Advocate with
Mr. Ranvir Singh Mander, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for HUDA.

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 8.9.1997 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 7.9.1998 (Annexure P-7) under Section 6 of the Act and the award dated 6.9.2000 (Annexure P-8) qua their land measuring 2 bighas 3 biswas and 12 biswani situated in village Chakarpur, Tehsil and District Gurgaon, 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 2 bigha 3 biswas and 12 biswani situated at village Charkarpur, Tehsil and District Gurgaon. Government of Haryana for construction of 60 mtrs wide Sector road issued a notification in the year 1995 for acquisition of 4 acres out of 12 acres land of the joint family. After the acquisition of 4 acres of undivided family, the petitioners were left only with 8 acres of land falling on both sides of Sectors. The said notification was not challenged by the petitioners. Respondent No.1 again issued a notification dated 8.9.1997 (Annexure P-5) under Section 4 of the Act followed by notification dated 7.9.1998 (Annexure P-7) under Section 6 of the Act for acquisition of remaining 8 acres of land of the petitioners for the development of residential and commercial complex. The petitioners filed objections under Section 5-A of the Act on 7.10.1997. The award was passed on 6.9.2000 (Annexure P-8). The petitioners filed CWP No. 16746 of 2006 for quashing the acquisition proceedings which was dismissed by this Court vide order dated 19.10.2006. They 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 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. 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

July 6, 2015
gbs

(REKHA MITTAL)
JUDGE