

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12591 of 2014

Date of Decision: 23.3.2015

Ramdut 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. Ajit Sihag, Advocate for
Mr. Sanchit Punia, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Kansal, Advocate for respondent No.2.

Mr. Akashdeep Singh, Advocate for
Mr. Amit Prashar, Advocate for respondent No.4.

AJAY KUMAR MITTAL, J.

1. By way of 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 13.11.1981 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 3.2.1984 (Annexure P-2) under Section 6 of the Act and the award dated 31.12.1987 (Annexure P-3) in terms 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 vide notification dated 13.11.1981 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 3.2.1984 (Annexure P-2) under Section 6 of the Act and the award dated dated 31.12.1987 (Annexure P-3) acquired 185.66 acres of land of village Dundahera including the land of the petitioners for the purpose, namely, residential and commercial for the development of Sector 21, Gurgaon. They are still in physical possession of the land in question. No compensation has been paid to them. The petitioners have served a legal notice dated 10.5.2014 (Annexure P-6) upon respondent No.2 for release of their land but no response has so far been received. 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 houses 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 the petitioners have sent a legal notice dated 10.5.2014 (Annexure P-6) to respondent No.2 for releasing the land in question but no action has so far been taken thereon. They, however, prayed that 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 and 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.

(AJAY KUMAR MITTAL)
JUDGE

March 23, 2015
gbs

(REKHA MITTAL)
JUDGE