

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1192 of 2015

Date of Decision: 14.7.2015

Rajinder Kumar Dhingra 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. N.C. Kinra, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

Mr. Pankaj Jain, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this 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 2.3.1993 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 1.3.1994 (Annexure P-5) under Section 6 of the Act, the order dated 13.8.2014 (Annexure P-8) and the entire acquisition proceedings qua their property and to release the same or deem the acquisition proceedings as 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 owners in possession of the land, as detailed in para 2 of the writ petition, situated within the revenue estate of Mauza Ugra Kheri, Tehsil and District Panipat. Government of Haryana issued a notification dated 2.3.1993 (Annexure P-3) under Section 4 of the Act followed by notification dated 1.3.1994 (Annexure P-5) under Section 6 of the Act for acquisition of land including the land of the petitioners for its utilization as residential, industrial and commercial for Sector 24, Panipat. The petitioners filed objections under Section 5-A of the Act on 15.4.1993 (Annexure P-4). The award was passed on 28.2.1996. The petitioners filed CWP No. 5992 of 1996 challenging the said notifications and this Court vide order dated 9.1.2014 (Annexure P-6) disposed of the said writ petition with liberty to the petitioners to approach the Haryana Government for release of the area under the policy of the State. In pursuance thereto, the petitioners submitted a detailed representation dated 4.6.2014 (Annexure P-7) to the respondents which was declined on the ground that the same had not been made by the real owners of the properties but was made by the General Power of Attorney. The petitioners sought information under the Right to Information Act, 2005 and received letters dated 23.5.2012 (Annexure P-7/1), dated 26.6.2014 (Annexure P-7/2), dated 11.7.2014 (Annexure P-7/3) and order dated 13.8.2014 (Annexure P-8). They have made another representation dated 3.11.2014 (Annexure P-9) to the respondents for release of their land from acquisition in view of Section 24(2) of the Act, but to no effect. 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 comprehensive 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 14, 2015
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(REKHA MITTAL)
JUDGE