

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12083 of 2015

Date of Decision: 29.6.2015

Shakti Rathi 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. Harkesh Manuja, Advocate for the petitioners.

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 17.4.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 10.4.2003 (Annexure P-3) under Section 6 of the Act vide which the land of the grandfather of the petitioners situated within the revenue estate of village Bahadurgarh, Hadbast No. 38, District Jhajjar was acquired for the development and utilization of land as residential, commercial, institutional for Sectors 1 (Part), 10, 11 (Part), 12 and 13 for development in Bahadurgarh 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. Government of Haryana issued a notification dated 17.4.2002 (Annexure P-2) under Section 4 of the Act followed by notification dated 10.4.2003 (Annexure P-3) under Section 6 of the Act for acquisition of land of the petitioners along with other land for the development and utilization of land for Sectors 1 (Part), 10, 11 (Part), 12 and 13, Bahadurgarh. The award was passed on 25.6.2004. Notices (Annexures P-4 to P-10) under Section 9 of the Act were issued to the petitioners. They are still in physical possession of the land in question. The amount of compensation has been paid to them and they are ready to deposit the same along with interest. 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 been paid to them. However, they are ready to deposit the compensation amount along with interest. 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. The petitioners shall raise any other point that may be available before the concerned authority 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 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

June 29, 2015
gbs

(REKHA MITTAL)
JUDGE