

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12785 of 2014

Date of Decision: 23.3.2015

Shamsher Singh 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. Nitin Rathee, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. J.P. Bhatt, Advocate for respondents No. 4 and 7.

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 9.8.2002 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 8.8.2003 (Annexure P-8) under Section 6 of the Act and the award dated 5.8.2005 (Annexure P-5) vide which the land of the petitioners has been acquired. Further, a prayer has been made directing the Government of Haryana to allow to lapse the said notifications and the award under 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. As per the averments made in the writ petition, the petitioners are owners in possession of the land measuring 267.16 square yards to the extent of 91/1592 shares comprising in khasra No. 106/9/1, Hadbast No. 24 situated within the revenue estate of Patti Kaisth Seth, Kaithal. State of Haryana issued a notification dated 9.8.2002 (Annexure P-4) under Section 4 of the Act for acquiring 294.08 acres land including the land of the petitioners for the purpose, i.e. utilization and development for residential, commercial and institutional, Sector 21, Kaithal. Petitioner No.1 filed his objections under Section 5-A of the Act on 2.9.2002 (Annexure P-5). Thereafter, notification dated 8.8.2003 (Annexure P-8) under Section 6 of the Act was issued and the award was passed on 5.8.2005 (Annexure P-6). After issuance of notification under Section 6 of the Act, the respondents released the land measuring 0.10 acres adjacent to the land of the petitioners but their land had not been released. Hence, the present writ petition. 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 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.

(AJAY KUMAR MITTAL)
JUDGE

March 23, 2015
gbs

(REKHA MITTAL)
JUDGE