

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12813 of 2014

Date of Decision: 31.7.2015

Chandan Singh 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. Rajiv Kataria, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajesh Goyal, Advocate for
Mr. Pritam Saini, Advocate and
Mr. Ajay Nara, Advocate for respondent No.2.

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 to the effect that the acquisition of land made by the respondents by virtue of notifications dated 30.1.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 25.1.1990 (Annexure P-3) under Section 6 of the Act, have 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 of the land situated in village Naharpur Rupa, Tehsil and District Gurgaon and have constructed the residential houses thereon prior to the issuance of notification under Section 4 of the Act. Government of Haryana vide notification dated 30.1.1989 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 25.1.1990 (Annexure P-3) under Section 6 of the Act, acquired the land including the land of the petitioners for the public purpose, i.e., to set up commercial, industrial and transport, Sectors 33-34, Gurgaon. The petitioners filed objections under Section 5-A of the Act. The acquisition proceedings were challenged by the petitioners and other landowners by filing CWP No. 2254 of 1990 wherein while issuing notice of motion, dispossession was stayed. The award was passed on 22.1.1992 (Annexure P-4). The petitioners filed an application dated 20.2.1992 (Annexure P-5) to the Treasury Officer, Gurgaon as to whether the alleged amount of award has been deposited in treasury, Gurgaon in the names of the claimants upon which they came to know that no such amount was deposited by respondent No.3. Thereafter, the petitioners moved an application before the District Judge, Gurgaon pleading that the compensation had not been deposited with the court or with the treasury. The District Judge, Gurgaon vide order dated 4.3.1992 (Annexure P-6) ordered the filing of the said application as no such case was decided in respect of which the application pertained and that no amount stands deposited with the court. CWP No. 2254 of 1990 was dismissed by this Court vide order dated 16.3.2011 (Annexure P-7). A bunch of writ petitions pertaining to the notifications in question was allowed by this Court vide order dated 14.8.2013 (Annexure P-8). The petitioners are still in physical possession of the land in dispute and 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 31, 2015
gbs

(REKHA MITTAL)
JUDGE