

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13102 of 2014

Date of Decision: 20.5.2015

Santosh Kumari

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Ms. Anita Balyan, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajesh Hooda, Advocate for respondents No.2 and 3.

AJAY KUMAR MITTAL, J.

1. Affidavit of Shri Parvesh Kumar, Joint Secretary to Government of Haryana, Industries and Commerce Department, Haryana, Chandigarh on behalf of respondent No.1 and written statement on behalf of respondents No.2 and 3 filed today in Court are taken on record subject to all just exceptions.

2. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 3.8.2006 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 14.6.2007 (Annexure P-4) under Section 6 of the Act and subsequent proceedings arising therefrom 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").

3. The petitioner purchased a plot measuring 273 square yards situated at village Kassar vide registered sale deed dated 10.8.2004. Government of Haryana issued a notification dated 3.8.2006 (Annexure P-3) under Section 4 of the Act followed by notification dated 14.6.2007 (Annexure P-4) under Section 6 of the Act for acquisition of 177 acres of land including the land of the petitioners situated within the revenue estate of villages Saidpur and Kassar for setting up industrial and other public utilities etc. by Haryana State Infrastructure Development Corporation. The petitioner filed objections under Section 5-A of the Act. The petitioner challenged the said notifications by way of CWP No. 1861 of 2008 which was disposed of by this Court vide order dated 10.9.2009 (Annexure P-5) in terms of CWP No. 1846 of 2008 directing the respondents to allot a plot of 3 marla to her under the R&R Policy of the State. She also filed CWP No. 2615 of 2011 challenging the order dated 5.5.2010 vide which the respondents agreed to allot a plot measuring 3 marla only and in the alternate she prayed for the allotment of 150 square yard land. The said writ petition was dismissed by this Court and the SLP against the same was also dismissed by the Apex Court. In pursuance to the order dated 10.9.2009 (Annexure P-5), respondent No.3 passed a speaking order dated 5.5.2010 (Annexure P-6) directing that a plot measuring 3 marla situated in Industrial Estate, Bahadurgarh be allotted to the petitioner. The award was passed on 14.2.2008. She is still in physical possession of the land in question. No compensation has been paid to her. According to the petitioner, the acquisition

proceedings have lapsed in view of Section 24(2) of the 2013 Act. Hence, the present writ petition.

4. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to her. 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 petitioner 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.

5. 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 petitioner 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 petitioner 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 her within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her 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**

May 20, 2015
gbs

**(REKHA MITTAL)
JUDGE**