

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13304 of 2014 (O&M)

Date of Decision: 27.4.2015

Raj Pal 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. Ashok Kumar Khubbar, Advocate for the petitioners.

Mr. Vishal Garg, Additional Advocate General, Haryana.

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 for quashing the notifications 30.5.2005 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 22.5.2006 (Annexure P-2) under Section 6 of the Act acquiring the land of the petitioners measuring 4 kanal 10 marlas 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. Government of Haryana vide notification dated 30.5.2005 (Annexure P-1) followed by notification dated 22.5.2006 (Annexure P-2) under Section 6 of the Act acquired 336.55 acres of land of village Bahotali including the land of the petitioners for the development and

utilization of land as residential and commercial area for Sectors 22, 23 and 24 Part, Jagadhri. The petitioners received notice dated 17.3.2007 (Annexure P-3) under Section 9 of the Act. Out of the land measuring 4 kanal 10 marlas, only 16 marlas of land beneath the houses of the petitioners has been released but no vacant land adjacent to the houses of the petitioners was released. The petitioners filed CWP No. 5685 of 2007 for the release of their land and this Court vide order dated 10.5.2007 stayed the dispossession of the petitioners. The said writ petition is pending adjudication. The award was passed on 16.7.2007. 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 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

April 27, 2015
gbs

(REKHA MITTAL)
JUDGE