

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12807 of 2015

Date of Decision: 1.7.2015

Anil Kumar Goel

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. M.L. Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. 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 mandamus/certiorari declaring the acquisition proceedings as 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") as the award has been announced on 31.1.2006 which is five years prior to the coming into operation of the 2013 Act in pursuance to the notifications dated 4.11.2003 (Annexure P-10) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by declaration dated 3.11.2004 (Annexure P-11) under Section 6 of the Act.
2. Government of Haryana issued a notification dated 4.11.2003 (Annexure P-10) under Section 4 of the Act followed by

notification dated 3.11.2004 (Annexure P-11) under Section 6 of the Act for acquisition of land of the petitioner for new residential, commercial and institutional sector at Pataudi. At the time of declaration under Section 6 of the Act, the land measuring 77.28 acres has been left out from the acquisition. The award was passed on 31.1.2006 (Annexure P-13). The petitioner made various representations including representations, Annexures P-21, P-22 and P-23 for the release of land but to no effect. Thereafter, the petitioner filed CWP No. 23613 of 2013 which was disposed of by this Court vide order dated 28.10.2013 (Annexure P-24) with a direction to respondents No.4 to 7 therein to considering his claim as contained in the representation by passing a speaking order within a period of four months from the date of receipt of the certified copy of the order. In pursuance thereto, the respondents rejected the claim of the petitioner. He is still in physical possession of the land in question. No compensation has been paid to him. According to the petitioner, 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 petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to him. 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 comprehensive 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.

4. After hearing learned counsel for the petitioner, 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 him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his 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 1, 2015
gbs

(REKHA MITTAL)
JUDGE