

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13884 of 2014

Date of Decision: 28.4.2015

Smt. Asha Malik

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Amit Kohar, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

**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 certiorari for quashing the notifications dated 23.2.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 and dated 22.2.1990 (Annexure P-7) under Section 6 of the Act 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"). Further, a prayer has been made for quashing the order/letter dated 4.7.2014 (Annexure P-10) whereby the petitioner has been called upon to show cause as to why it should not be evicted from the property/premises of HUDA.

2. The petitioner is co-owner in possession of the land

measuring 3 bigha 14 biswas comprising of khasra Nos. 4428/2 and 4430/02 situated in Taraf Insar, Panipat. The land of the said khasra numbers was purchased by the petitioners vide sale deed dated 25.3.1988. Government of Haryana vide notification dated 23.2.1989 (Annexure P-2) issued under Section 4 of the Act acquired the land including the land of the petitioner. The petitioner filed objections, Annexure P-3, under Section 5-A of the Act. Vide letter dated 9.6.1994 (Annexure P-4), the land of the petitioner was recommended to be released from acquisition. Thereafter, notification dated 22.2.1990 (Annexure P-7) under Section 6 of the Act was issued. In the year 2008, the respondents approached the petitioner for eviction of the land. The petitioner along with other co-owner filed CWP No. 687 of 2008 and this Court vide order dated 2.12.2008 (Annexure P-9) dismissed the said writ petition. Thereafter, the respondents sent show cause notice dated 4.7.2014 (Annexure P-10) to the petitioner for eviction of the land in question. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as she is still in physical possession of the land and has not received any compensation till date. 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 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.

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 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 one month 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**

**April 28, 2015**  
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**(REKHA MITTAL)**  
**JUDGE**