

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13959 of 2014

Date of Decision: 18.3.2015

Mehta Handloom Industries, Panipat

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ravindra Jain, 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 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-4) under Section 6 of the Act and prohibiting the respondents from taking the possession of their land as the acquisition proceedings qua their land stands 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"). Further, a prayer has been made for quashing the order/letter dated 4.7.2014 (Annexure P-9) 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. As per the averments made in the petition, the father of the proprietor of the petitioner purchased a plot measuring 5 biswa 6 biswani situated within the revenue estate of Tensil and District Panipat vide two registered sale deeds comprised in khasra Nos. 4428 and 4430 situated in village Patti Teraf Insar, District Panipat. After the purchase of the said plot, the petitioner started raising construction and two long sheds were constructed in which the machinery was installed and applied for the registration of industry with the department of Small Scale Industries, Haryana, Chandigarh for Handloom Textiles and Cotton Industry. Government of Haryana vide notification dated 23.2.1989 (Annexure P-2) issued under Section 4 of the Act acquired land of the villages of Patti Inser and Patti Makdoom Jadgan Tehsil Panipat, District Karnal. The petitioner-firm filed its objection (Annexure P-3) under Section 5-A of the Act. The said notification was followed by notification dated 22.2.1990 (Annexure P-4) under Section 6 of the Act. The petitioner filed an application for release of the land from acquisition as the objection was not decided by the respondents. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as it is still in physical possession of the land and has not received 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 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 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 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 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 its claim before the concerned authority. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

March 18, 2015
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(REKHA MITTAL)
JUDGE