

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13487 of 2015

Date of Decision: 9.7.2015

Abhishek Jhamb

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjay Mittal, 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 27.1.2003 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-3).

2. The petitioner is owner in possession of the land measuring 4 kanal 12 marlas situated in village Padiawas, Tehsil and District Rewari. Out of the said land, 2 kanal land has been released by the respondents in view of order dated 19.9.2013 (Annexure P-4) passed by this Court in CWP No. 20966 of 2011. The land in question is situated on Rewari-Delhi-Jaipur road and the petitioner has constructed 'A' class houses on the land in question before the issuance of notification under

Section 4 of the Act. Government of Haryana vide notification dated 27.1.2003 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioner for the development and utilization of land as residential and commercial, Sectors 18, 19 and 20 Part, commercial Sector 17 Part, Rewari. The petitioner filed objections under Section 5-A of the Act. The award was passed on 20.1.2006 (Annexure P-3). The petitioner 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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "2013 Act"). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is still in physical possession of the land in question 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 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 the petitioner 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. 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 9, 2015
gbs

(REKHA MITTAL)
JUDGE