

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14204 of 2014

Date of Decision: 25.3.2015

Smt. Mala Bansal 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: None for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondents No.2 and 3.

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 compulsory acquisition of the land as detailed in para 2 of the writ petition in terms 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. As per the averments made in the petition, the petitioners are the owners in possession of the land measuring 3 kanal 7 marlas being 67/391 share out of 19 kanal 11 marlas situated in Mauza Jagadhri, Hadbast No. 400, Tehsil Jagadhri District Yamuna Nagar.

Government of Haryana issued notification dated 30.5.2005 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 22.5.2006 (Annexure P-3) under Section 6 of the Act for acquisition of land of the petitioners for the public purpose for the development and utilization of land for residential and commercial area for Sectors 22, 23 and 24, Jagadhri. Petitioner No.1 filed objection under Section 5-A of the Act on 24.6.2005 (Annexure P-2). The Land Acquisition Collector passed award on 16.7.2007 (Annexure P-4). According to the petitioners, the notifications under Sections 4 and 6 have lapsed in view of Section 24(2) of the 2013 Act as they are in actual physical possession of the land in dispute and no compensation has been paid to them. Hence, the present writ petition.

3. The petitioners claim themselves to be in physical possession of the land in dispute and further, that no compensation has been paid to them. In such circumstances, the petitioners plead in the petition that notifications under Sections 4 and 6 of the Act had lapsed in view of Section 24(2) of the 2013 Act.

4. After hearing learned counsel for the respondents, 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 the 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.

(AJAY KUMAR MITTAL)
JUDGE

March 25, 2015
gbs

(REKHA MITTAL)
JUDGE