

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13539 of 2015

Date of Decision: 9.7.2015

Karan Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. A.S. Chadha, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of direction to hold that the acquisition proceedings pursuant to the notifications dated 31.7.2006 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 9.8.2007 (Annexure P-3) under Section 6 of the Act and the award dated 29.7.2008, are deemed to 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") qua their land measuring 14 kanal 11 marlas situated within the revenue estate of village Machhgarh, Tehsil Ballabgarh, District Faridabad.

2. The petitioners are owners in possession of the land

measuring 14 kanal 11 marlas situated within the revenue estate of village Machhgarh, Tehsil Ballabgarh, District Faridabad and have constructed residential houses thereon. Government of Haryana issued a notification dated 31.7.2006 (Annexure P-1) under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-3) under Section 6 of the Act for acquisition of land including the land of the petitioners for the development of Model Industrial Township in District Faridabad. The petitioners filed objections under Section 5-A of the Act on 30.6.2006 (Annexure P-2 Colly). The said acquisition was challenged by the petitioners by filing CWP No. 11452 of 2008 (Annexure P-5). Respondent No.3 filed a short reply dated 31.10.2008 (Annexure P-6) and State of Haryana filed written statement dated 7.1.2009 (Annexure P-7) and additional affidavit dated 1.10.2009 (Annexure P-8). The respondents had collected information regarding the existence of said houses during the pendency of the writ petition on 31.7.2007 (Annexure P-8/A). The said writ petition was dismissed by this Court vide judgment dated 27.1.2010 (Annexure P-9) passed in CWP No. 15618 of 2007. Against the said judgment, Annexure P-9, the petitioners filed SLP before the Supreme Court in which State of Haryana filed an affidavit dated 24.1.2012 (Annexure P-10) and respondent No.3 filed affidavit dated 6.2.2012 (Annexure P-11) wherein it was not averred that the possession of the residential houses was ever taken or disrupted by the respondents. The award was passed on 29.7.2008 (Annexure P-4). They are still in physical possession of the land in question. No compensation has been paid to them. According to the petitioners, 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 petitioners submitted that the petitioners are in physical possession of the land in dispute and compensation has not been paid to them. 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 petitioners 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 petitioners, 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 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. 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
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(REKHA MITTAL)
JUDGE