

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13585 of 2015

Date of Decision: 10.7.2015

Mahender Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Kulvir Narwal, 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 20.4.1990 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 18.4.1991 (Annexure P-2) under Section 6 of the Act and the award dated 23.3.1993 (Annexure P-3).

2. The petitioner is owner in possession of the land measuring 6 kanals situated within the revenue estate of village Kanhai, Tehsil and District Gurgaon. Government of Haryana vide notification dated 20.4.1990 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 18.4.1991 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioner for residential, commercial, institutional and open spaces/recreational area. The award

was passed on 23.3.1993 (Annexure P-3). The petitioner filed CWP No. 4648 of 1992 challenging the acquisition proceedings which was dismissed by this Court vide order dated 3.11.1992. The SLP filed against the said order was dismissed as withdrawn by the Apex Court vide order dated 3.4.2001 with liberty to file review petition within four weeks and it was observed that the review need not be dismissed on the ground of delay. In pursuance thereto, Review Application No. 341 of 2001 was filed which was disposed of by this Court vide order dated 24.10.2002 with liberty to file a fresh writ petition incorporating facts regarding discrimination and in pursuance to the said order, CWP No. 2370 of 2003 was filed challenging the acquisition. The said writ petition was also dismissed by this Court vide order dated 13.2.2003. 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 10, 2015
gbs

(REKHA MITTAL)
JUDGE