

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14281 of 2014

Date of Decision: 12.5.2015

Barinder

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Vimal Kumar Gupta, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for HUDA.

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 compulsory acquisition of the land in question, 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”)

2. The petitioner is owner in possession of the land as detailed in para 2 of the writ petition. Government of Haryana vide notification dated 30.5.2005 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 22.5.2006 (Annexure P-4) under Section 6 of the Act, acquired 561.38 acres of land situated within the revenue estates of Jagadhri, Jaroda,

Gulab Nagar and Bhatoli including the land of the petitioner for the development and utilization of land as residential, commercial area for Sectors 22, 23, and 24, Jagadhri. The petitioner filed objections under Section 5-A of the Act on 26.7.2005 (Annexure P-3). The award was passed on 16.7.2007 (Annexure P-5). The petitioner filed CWP No. 12711 of 2010 before this Court challenging the said notifications which was disposed of by this Court vide order dated 21.7.2010 (Annexure P-6) with a direction to respondent No.3 to look into the grievance of the petitioner and pass a reasoned order on the legal notice of the petitioner within 15 days from the receipt of copy of the order. In pursuance thereto, respondent No.3 vide a speaking order dated 25.10.2010 (Annexure P-7) rejected the claim of the petitioner. The purpose for which the land was acquired has ceased to exist and, therefore, the land is liable to be returned to the petitioner. Even no compensation has been paid to him. According to the petitioner, 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 petitioner submitted that the purpose for which the land was acquired has ceased to exist and, therefore, the land is liable to be returned to the petitioner. The 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 parties, 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 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 his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

May 12, 2015
gbs

(REKHA MITTAL)
JUDGE