

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14384 of 2014

Date of Decision: 23.3.2015

Hari Ram

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Panwar, Advocate for the petitioner.

Mr. Ajay Nara, Advocate for respondent No.3.

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 11.11.2002 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.11.2003 (Annexure P-3) under Section 6 of the Act and the award dated 31.10.2005 (Annexure P-4) qua the land of the petitioner. Further, a writ of mandamus has been sought directing the respondents to release the land of the petitioner under 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 writ petition, the petitioner

is owner in possession of land measuring 431.20 square yards situated within the revenue estate of Patti Kaisth Seth, Kaithal, District Kaithal. Government of Haryana issued a notification dated 11.11.2002 (Annexure P-1) under Section 4 of the Act to acquire the said land for public purpose, i.e. for the development and utilization of land as commercial, professional, institutional and for greenbelt adjoining Sector 19-20, Kaithal. The petitioner filed objection under Section 5-A of the Act on 7.12.2002 (Annexure P-2). Thereafter, notification dated 7.11.2003 (Annexure P-3) under Section 6 of the Act was issued and the award was passed on 31.10.2005 (Annexure P-4). The petitioner is in physical possession of the land in dispute. No compensation has been paid to him. He served a legal notice dated 15.2.2014 (Annexure P-12) upon the respondents for considering his case as per Section 24(2) of the 2013 Act but no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute 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 the petitioner has sent a legal notice dated 15.2.2014 (Annexure P-12) to the respondents for releasing the land in question but no action has so far been taken thereon. He, however, prayed that 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 and 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 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 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. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

March 23, 2015
gbs

(REKHA MITTAL)
JUDGE