

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13755 of 2015

Date of Decision: 13.7.2015

BE Office Automation Products Private Limited, New Delhi
....Petitioner.

Versus

State of Haryana and others
...Respondents.

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

PRESENT: Ms. Mannu Chaudhary, 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 mandamus seeking declaration to the effect that the compulsory acquisition process issued vide notifications dated 25.1.2008 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 18.3.2008 (Annexure P-3) under Section 6 of the Act and the award dated 26.9.2008 (Annexure P-5), shall be 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").

2. The petitioner is owner in possession of the land measuring 24 kanal 16 marlas situated in village Sihi, Tehsil and District Gurgaon purchased vide registered sale deed dated 16.12.2004 and mutation

(Annexure P-1) thereof was sanctioned in its favour. Government of Haryana vide notification dated 25.1.2008 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 18.3.2008 (Annexure P-3) under Section 6 of the Act, acquired the land of various villages including the land of the petitioner for the public purpose, namely, for the development and utilization of land for 150 meter wide periphery road linking Dwarka Township Delhi from Haryana Boundary to National Highway No.8 near village Kherki Daula at Gurgaon. The petitioner filed CWP No. 9265 of 2008 challenging the said notifications and this Court vide order dated 3.7.2015 (Annexure P-4) dismissed the said writ petition. Thereafter, the petitioner filed another CWP No. 12789 of 2009 challenging the faulty and illegal change in the alignment of the proposed V2(a) road and this Court vide order dated 21.8.2009 issued notice of motion and passed stay order. The award was passed on 26.9.2008 (Annexure P-5). The petitioner is still in physical possession of the land in question. 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 petitioner is still in physical possession of the land in question. 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 comprehensive 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 its 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 13, 2015
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(REKHA MITTAL)
JUDGE