

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14533 of 2014

Date of Decision: 18.5.2015

Ram Phal

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sudhir Mittal, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Raman Gaur, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has sought quashing of the notifications dated 17.5.1990 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 16.5.1991 (Annexure P-4) under Section 6 of the Act qua his land, having 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 vide sale deed dated 4.5.1982 purchased a plot measuring 455 square yards situated within the revenue estate of Patti Musalmanan, Tehsil and District Sonapat and had constructed a residential house thereon. Government of Haryana vide notification

dated 17.5.1990 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 16.5.1991 (Annexure P-4) under Section 6 of the Act, acquired the land including the land of the petitioner for residential and commercial, Sector 12, Sonapat. The petitioner filed objections under Section 5-A of the Act on 12.6.1990 (Annexure P-3). The said acquisition was challenged by the petitioner by filing CWP No. 4945 of 1993 which was disposed of by this Court vide order dated 8.5.1995 (Annexure P-6) in terms of CWP No. 5877 of 1992 (Jai Singh and others v. State of Haryana and others). The award was passed in April/May, 1993. 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 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 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 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

May 18, 2015
gbs

(REKHA MITTAL)
JUDGE