

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14222 of 2015

Date of Decision: 17.7.2015

Sant Pal and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Adarsh Jain, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the award dated 7.10.1991 (Annexure P-3) in pursuance to the notifications dated 2.8.1989 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 1.8.1990 under Section 6 of the Act and the award dated 8.2.1995 (Annexure P-4) in pursuance to notifications dated 7.9.1992 issued under Section 4 of the Act, dated 17.9.1993 under Section 6 of the Act, as 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”).

2. The petitioners are co-sharer and co-owners in possession

of land situated in village Mewla Maharajpur, Tehsil and District Faridabad. State of Haryana issued a notification dated 2.8.1989 under Section 4 of the Act followed by notification dated 1.8.1990 under Section 6 of the Act for acquisition of land including the land of the petitioners for the development and utilization of land as residential and commercial, Sector 45, Faridabad-Ballabgarh Controlled Area. The awards were passed on 7.10.1991 (Annexure P-3) and on 8.2.1995 (Annexure P-4). They are still in physical possession of the land in question. In case, the amount of compensation has been paid to the petitioners, they are ready to deposit the same. According to the petitioners, 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 petitioners submitted that the petitioners are in physical possession of the land in dispute and in case, the amount of compensation has been paid to the petitioners, they are ready to deposit the same. 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 petitioners 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 petitioners, 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 petitioners 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 them within a period of four months from the date of receipt of representation. The petitioners shall be entitled to lead any evidence to substantiate their 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 17, 2015**  
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**(REKHA MITTAL)**  
**JUDGE**