

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15243 of 2014

Date of Decision: 1.5.2015

Parveen Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ravindra Jain, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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 2.5.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 and dated 30.4.2002 (Annexure P-4) under Section 6 of the Act and prohibiting the respondents from taking the possession of his land as the acquisition proceedings qua his land stands 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 a plot measuring 6 bigha 11 biswa. State of Haryana issued several notifications since

1969, 1974 and 1980 for the acquisition of the land under Section 4 of the Act. The said notifications were allowed to lapse as the Government was not required the said land. Thereafter, the Government issued notifications under Sections 4 and 6 of the Act in the year 1980 and the said notifications were quashed by this Court vide judgment dated 29.9.1992 reported as 1993(1) PLR 107. Government of Haryana vide notification dated 2.5.2001 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 30.4.2002 (Annexure P-4) acquired the land measuring 76.30 acres for the development and utilization of land for residential and commercial area for Sector 15, Jagadhri. The land of the other similarly situated persons was released from acquisition. The award was passed on 27.4.2004. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as he is still in physical possession of the land and has not received compensation till date. 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 and 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 one month 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. 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 1, 2015
gbs

(REKHA MITTAL)
JUDGE