

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14651 of 2015

Date of Decision: 22.7.2015

Harbhajan and another

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Ajay Nara, Advocate for
Mr. K.C. Bajaj, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a direction declaring that the entire acquisition proceedings qua their land measuring 13 kanal 8 marlas situated within the revenue estate of Chandawali, Tehsil and District Faridabad 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 petitioners are owners in possession of the land situated within the revenue estate of village Chandawali, Tehsil and District Faridabad and have constructed their residential houses thereon. Government of Haryana vide notification dated 31.7.2006 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the

Act”) followed by notification dated 9.8.2007 (Annexure P-3) under Section 6 of the Act, acquired the land measuring 658 acre 7 kanal 13 marlas including the land of the petitioners for setting up Industrial Model Township, Faridabad. The petitioners filed objections under Section 5-A of the Act. The award was passed on 22.7.1008. The petitioners filed CWP No. 19953 of 2010 (Annexure P-4) challenging the said notifications which was dismissed by this Court vide order dated 10.11.2010 (Annexure P-5). Feeling aggrieved, the petitioners filed SLP (C) No. 5360 of 2011. During the pendency of the said SLP, the petitioners moved an interim application dated 4.6.2014 (Annexure P-6) praying that the acquisition had lapsed in view of Section 24(2) of the 2013 Act. In response thereto, the respondents filed two affidavits dated 10.9.2014 (Annexure P-7) and dated 13.3.2015 (Annexure P-8). The Supreme Court vide order dated 5.5.2015 (Annexure P-9) disposed of the said SLP with liberty to the petitioners to approach this Court. The petitioners are still in physical possession of the land in dispute and no compensation has been paid to them. 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 compensation has not been paid to them. 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 22, 2015
gbs

(REKHA MITTAL)
JUDGE