

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15687 of 2014

Date of Decision: 21.7.2015

Sh. Ravinder Gupta

....Petitioner.

Versus

The State of Haryana and another

...Respondents.

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

PRESENT: Mr. A.R. Takkar, Advocate for the petitioner.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 15.11.2002 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 12.11.2003 (Annexure P-5) under Section 6 of the Act along with all consequential proceedings including the award dated 18.11.2005 (Annexure P-11) qua his land situated within the revenue estate of village Narsingpur, Tehsil and District Gurgaon, 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

22 kanal 7 marlas to the extent of 1/4 share, i.e. 5 kanal 12 marlas situated within the revenue estate of village Narsingpur, Tehsil and District Gurgaon. Government of Haryana vide notification dated 15.11.2002 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 12.11.2003 (Annexure P-5) under Section 6 of the Act, acquired the land measuring 74 acres 6 kanal and 18 marlas of village Narsingpur, Tehsil and District Gurgaon including the land of the petitioner. The petitioner filed objections under Section 5-A of the Act on 12.12.2002 (Annexure P-4). The petitioner filed CWP No. 3150 of 2004 challenging the said notifications which was disposed of by this Court vide order dated 16.7.2005 (Annexure P-7) along with other writ petitions. In pursuance thereto, the petitioner filed a representation before the High Powered Committee. The Chief Town Planner vide letter dated 10.10.2005 (Annexure P-8) called upon the petitioner to appear before the committee on 18.10.2005 for hearing. The petitioner received notice (Annexure P-9) under Section 9 of the Act which was duly replied by the petitioner vide Annexure P-10. The award was passed on 18.11.2005 (Annexure P-11). 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. 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 21, 2015
gbs

(REKHA MITTAL)
JUDGE