

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15949 of 2014

Date of Decision: 8.7.2015

Baljit Singh and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. D.D. Gupta, Advocate and
Mr. R.D. Gupta, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.4.

AJAY KUMAR MITTAL, J.

1. Reply to RTI application dated 9.6.2015, Annexure A-1 filed along with the application is taken on record subject to all just exceptions.

2. 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 notifications dated 2.1.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 24.12.2002 (Annexure P-5) under Section 6 of the Act, the order dated 7.4.2014 (Annexure P-11) passed by respondent No.2 in compliance with the directions dated 21.8.2013 passed in CWP No. 21223 of 2012 and all subsequent proceedings arising therefrom.

3. Government of Haryana issued a notification dated 2.1.2002 (Annexure P-2) under Section 4 of the Act followed by notification dated 24.12.2002 (Annexure P-5) under Section 6 of the Act for acquisition of 812.35 acres of land situated in four villages, namely, Karnal, Mangalpur, Phoosgarh and Budha Khera, Tehsil and District Karnal for the development and utilization of land as residential and commercial area for Sectors 9, Part, 32 and 33, Karnal. The petitioners filed written objections on 25.2.2002 (Annexure P-3). Respondent No.3 issued a notice dated 25.9.2002 (Annexure P-4) to the petitioners for hearing of their objections. The petitioners submitted a representation dated 17.1.2003 (Annexure P-6) to the Minister, Haryana Urban Development Authority with copies to the respondents for the release of the land in question. Thereafter, they filed CWP No. 14288 of 2003 which was disposed of by this Court vide order dated 9.9.2008 with the direction that the petitioners could submit their fresh representations to the Director, town and Country Planning which would be decided afresh and the status quo was ordered to be maintained by the parties. In pursuance thereto, the petitioners submitted a representation dated 22.12.2008 (Annexure P-8) which was rejected by respondent No.2 vide order dated 3.8.2012 (Annexure P-9). The petitioners filed CWP No. 21223 of 2012 and this Court vide order dated 21.8.2013 (Annexure P-10) allowed the said writ petition by setting aside the order dated 3.8.2012 (Annexure P-9). In pursuance thereto, respondent No.2 vide order dated 7.4.2014 only released the land 132.88 square yards. The award was passed on 21.12.2004. They are still in physical possession of the land in question. No compensation has been paid to them. According to the petitioners, 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"). Hence, the present writ petition.

4. 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.

5. 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 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 8, 2015
gbs

(REKHA MITTAL)
JUDGE