

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15313 of 2015

Date of Decision: 29.7.2015

The General Rubber Company (P) Ltd., Faridabad

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Puneet Bali, Senior Advocate with
Mr. Ranjit Saini, Advocate for the petitioner.

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 mandamus directing the respondents not to act upon the notifications dated 4.11.1977 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 1.11.1980 (Annexure P-4) under Section 6 of the Act and the award dated 18.11.1982 (Annexure P-5) qua his land measuring 11 kanal 6 marlas situated within the revenue estate of village Atmadpur, Tehsil Ballabgarh, District Faridabad, having 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 of land measuring 20 kanal 6 marlas

situated within the revenue estate of village Atmadpur, Tehsil Ballabgarh, District Gurgaon, now District Faridabad. Government of Haryana issued a notification dated 1.10.1973 (Annexure P-2) under Section 4 of the Act followed by notification under Section 6 of the Act for acquisition of land including the land of the petitioner for the purpose of development and utilization of land as residential area in Sectors 31, 32, 35 and 36, Faridabad-Ballabgarh Controlled Area. Later on, the said notifications were allowed to lapse. Thereafter, respondent No.1 vide a fresh notification dated 4.11.1977 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 1.11.1980 (Annexure P-4) under Section 6 of the Act acquired the land including the land of the petitioner for the development and utilization of land as residential area in Sectors 31, 32, 35 and 36 of Faridabad-Ballabgarh Controlled Area. However, some land was released after issuance of notification under Section 6 of the Act. Notice under Section 9 of the Act was issued to the petitioner. The award was passed on 18.11.1982 (Annexure P-5). The petitioner made a representation dated 4.3.1984 (Annexure P-6) to respondent No.4 for withdrawal of the acquisition it, but to no effect. Thereafter, the petitioner filed CWP No. 1835 of 1994 challenging the acquisition in which the respondents filed written statement dated 21.6.1984 (Annexure P-7) to which the petitioner filed replication dated 15.1.2001 (Annexure P-8). The Lok Adalat of this Court vide order dated 20.3.2001 directed the respondents not to acquire the land in question. Feeling aggrieved, the respondents filed CM No. 21513 of 2001 in CWP No. 1835 of 1984 which was disposed of by this Court vide order dated 27.8.2001 and the matter was referred to the Lok Adalat for deciding the same after considering the objections raised by the respondents. The

Lok Adalat vide order dated 18.10.2001 returned the case file to the Registry for being put up before this Court for disposal in accordance with law. This Court vide order dated 21.7.2010 (Annexure P-9) dismissed the said writ petition. Against the order of this Court, Annexure P-9, the petitioner filed SLP (Civil) No. 35138 of 2010 and the Supreme Court vide order dated 1.2.2011 (Annexure P-10) dismissed the said petition. The petitioner is still in physical possession of the land in question and no compensation has been paid to it. 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 petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been received by it. It was claimed that in such circumstances, the notifications issued under Sections 4 and 6 of the Act for acquisition have lapsed, in view of Section 24(2) of the 2013 Act.

4. After hearing learned counsel for the petitioner, 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 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 its 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 29, 2015
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(REKHA MITTAL)
JUDGE