

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15435 of 2015

Date of Decision: 30.7.2015

Smt. Manorma Devi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Kewal Singh, Advocate for the petitioner.

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 12.3.1973 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 10.3.1976 (Annexure P-4) under Section 6 of the Act and the award dated 14.6.1976, 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 purchased the land measuring 500 square yards situated within the revenue estate of village Bhiwani Lohad vide registered sale deed dated 10.10.1972 (Annexure P-1) and mutation thereof was sanctioned in her favour on 16.1.1975 (Annexure P-2).

Government of Haryana vide notification dated 12.3.1973 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 10.3.1976 (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 for residential, commercial and civil station in urban estate and to be set up in the area of village Lohad Bhiwani. The award was passed on 14.6.1976. The petitioner filed CWP No. 9807 of 1990 challenging the said acquisition and this Court vide order dated 24.7.1990 (Annexure P-5) while issuing notice of motion, stayed her dispossession. The said writ petition was admitted by this Court vide order dated 8.11.1990 (Annexure P-6) and later on was dismissed vide order dated 2.11.2011 (Annexure P-7). Feeling aggrieved, the petitioner filed SLP (Civil) No. 22662 of 2012 against the order, Annexure P-7, which was dismissed by the Supreme Court vide order dated 23.7.2012 (Annexure P-8). The petitioner is still in physical possession of the land in question and no compensation has been paid to her. 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 her. 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 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. 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 her 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 30, 2015
gbs

(REKHA MITTAL)
JUDGE