

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 157 of 2015

Date of Decision: 6.4.2015

Shimla Rani 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. Ravindra Jain, Advocate for the petitioners.

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

Ms. Geeta Sharma, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 2.5.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 30.4.2002 (Annexure P-4) under Section 6 of the Act and prohibiting the respondents from taking possession of their land situated within the revenue estate of village Tejli, Tehsil Jagadhri, District Yamuna Nagar as the acquisition proceedings have lapsed qua their land in terms 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. As per the averments made in the writ petition, the petitioners purchased the land in question vide registered sale deeds dated 30.8.1983 and the mutations were sanctioned in their favour. They are owners in possession of the land as detailed in para 3 of the petition, situated within the revenue estate of village Tejli, Tehsil Jagadhri, District Yamuna Nagar. Earlier, the State of Haryana issued notifications in the years 1969, 1974 and 1980 under Section 4 of the Act and as the Government was not required the land in question, the said notifications were allowed to relapse. Now, the present notification dated 2.5.2001 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 30.4.2002 (Annexure P-4) under Section 6 of the Act for acquisition of land of the petitioners for the public purpose for the development and utilization of land as residential and commercial area for Sector 15, Jagadhri. The petitioners filed objections under Section 5-A of the Act. The award was passed on 27.4.2004. The respondents released land of the similarly situated persons from the acquisition. They are still in physical possession of the land in question and no enhanced compensation has been paid to them. They are ready and willing to repay the initial compensation to the respondents. 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. It was further submitted that they are ready to repay the initial compensation to the respondents. 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 urged 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 and 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 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.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE