

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15957 of 2015

Date of Decision: 5.8.2015

Sheetal Kumar Saini and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Manoj Kaushik, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. 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 mandamus directing the respondents to release the land to the extent of their respective shares situated within the revenue estate of village Ajronda, Tehsil and District Faridabad which was acquired vide award dated 29.6.1998 (Annexure P-3) as the acquisition has 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. Government of Haryana issued a notification dated 3.7.1995 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 2.7.1996 (Annexure P-2) under Section 6 of the Act for acquisition of land including the land of the

petitioners. The award was passed on 29.6.1998 (Annexure P-3). The uncle of the petitioners, namely, Shri Nihal Singh, filed CWP No. 10468 of 1998 challenging the said acquisition and this Court vide order dated 31.8.2012 (Annexure P-5) quashed the said notifications. The petitioners moved a representation dated 15.1.2015 (Annexure P-6) to respondent No.1 for release of land in view of Section 24(2) of the 2013 Act, but to no effect. They are still in physical possession of the land in question and are ready to deposit the amount of compensation received by them along with interest. 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 are ready to deposit the amount of compensation received by them along with interest. 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 comprehensive 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.

4. After hearing learned counsel for the petitioners, 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**

**August 5, 2015**  
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**(DARSHAN SINGH)**  
**JUDGE**