

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15987 of 2015

Date of Decision: 5.8.2015

Smt. Baljit Kaur

....Petitioner.

Versus

of Haryana and others

...Respondents.

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

PRESENT: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Saurabh Garg, 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 granting a declaration that 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. The husband of the petitioner Late Shri Devinder Singh purchased a plot measuring 150 square yards vide registered sale deed dated 7.1.2000 (Annexure P-1) and raised construction thereon. Government of Haryana vide notification dated 28.8.2001 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 30.8.2001 (Annexure P-3) under Section 6 of the Act, acquired the land including the land of the petitioner. The award was passed on 27.3.2002 (Annexure P-4). The

petitioner filed a civil suit for declaration. The husband of the petitioner got the land demarcated during his life time vide demarcation report dated 26.7.2012 (Annexure P-12). The petitioner is still in physical possession of the land in question. On enquiry, the petitioner was informed that the compensation has been taken away by the person who was owner as per the revenue record. However, the enhanced compensation has not been withdrawn by the petitioner. 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. On enquiry, the petitioner was informed that the compensation has been taken away by the person who was owner as per the revenue record. However, the enhanced compensation has not been withdrawn by the petitioner. 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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE