

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19895 of 2013 (O&M)

Date of Decision: 23.7.2015

Bharat Bhushan

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. M.L. Sharma, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for HUDA.

Mr. Shailendra Jain, Senior Advocate with
Mr. Bhagender Singh, Advocate for respondent No.9.

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 19.10.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 18.10.2002 (Annexure P-4) under Section 6 of the Act and the award dated 14.10.2004.

2. The petitioner purchased the land measuring 1119 square yards situated within the revenue estate of village Sultanpur, Tehsil and

District Sonapat for ₹ 81,000/- vide sale deed dated 28.1.2003 (Annexure P-1) and mutation dated 12.3.2003 (Annexure P-2) thereof was also sanctioned in his favour. Government of Haryana vide notification dated 19.10.2001 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 18.10.2002 (Annexure P-4) under Section 6 of the Act acquired 332 acres of land including the land of the petitioner. The original landowner filed objections under Section 5-A of the Act. for the purpose of residential and commercial, Sector-2, Sonapat. Notice under Section 9 of the Act was issued to the petitioner. The award was passed on 14.10.2004 (Annexure P-5). Respondent No.9 vide sale deeds, Annexures P-7 to P-14, respectively purchased the land after acquisition with the connivance of the official respondents. Respondent No.9 got the land released vide releasing order dated 15.2.2007 (Annexure P-15). After release of the said land, respondent No.9 moved an application dated 6.9.2011 (Annexure P-17) for exchange proposal of land under the give and take policy of the Haryana Urban Development Authority (HUDA). Respondent No.5 wrote a letter dated 13.12.2012 (Annexure P-18) to respondent No.6 regarding exchange proposal of land under give and take policy of HUDA with respondent No.9. The petitioner made various representations including representations dated 21.3.2007 (Annexure P-23), dated 13.2.2012 (Annexure P-24) and dated 7.7.2013 (Annexure P-25), but no response has been received till date. Hence, the present writ petition.

3. An application bearing CM No. 328 of 2015 has been filed under Section 151 of the Code of Civil Procedure for release of the land in question 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”) as the petitioner is still in physical possession of the same and no compensation has been paid to him.

4. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute and compensation has not been paid to him. 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. A prayer has been made that the matter be referred to the Committee as the petitioner shall file a detailed and comprehensive representation by incorporating all the pleas 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. Prayer for interim relief is also made.

5. In view of the above, the present writ petition as well as the application are disposed of by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as are available to the petitioner 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 it within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his 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.

6. CM No. 328 of 2015 also stands disposed of.

(AJAY KUMAR MITTAL)
JUDGE

July 23, 2015
gbs

(REKHA MITTAL)
JUDGE