

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17485 of 2014

Date of Decision: 7.5.2015

Om Singh and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Pratibha Yadav, Advocate for the petitioners.

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

Mr. Maninder Singh, Advocate for
Mr. Dhiraj Chawla, Advocate for respondent No.2.

Mr. Ajay Kumar Kansal, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. Affidavit filed on behalf of respondents No.1 to 6 today in Court is taken on record subject to all just exceptions.

2. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 17.9.2004 (Annexure P-3) issued under Section 4 read with Section 17 of the Land Acquisition Act, 1894 (in short "the Act"), dated 27.10.2004 (Annexure P-4) under Section 6 read with Section 17 of the Act and the award dated 9.3.2006 (Annexure P-5) and all subsequent proceedings qua their land 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”).

3. Government of Haryana issued a notification dated 17.9.2004 (Annexure P-3) under Section 4 read with Section 17(2)(c) of the Act followed by notification dated 27.10.2004 (Annexure P-4) under Section 6 read with Section 17(2)(c) of the Act for acquisition of land of six villages including the land of the petitioners for the development of integrated complex for industrial, institutional, commercial, recreational and other public utilities. The award was passed on 9.3.2006 (Annexure P-5). The petitioners moved a representation dated 7.8.2013 (Annexure P-6) to respondent No.1 for the release of their land. Since no action was taken on the said representation, they filed CWP No. 24380 of 2013 which was disposed of by this Court vide order dated 8.11.2013 (Annexure P-7) with a direction to the respondents to consider the representation of the petitioners. In pursuance thereto, respondent No.6 decided the representation of the petitioners vide order dated 11.4.2014 (Annexure P-8). The petitioners are still in physical possession of the land in question. No compensation has been paid to them. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. Hence, the present writ petition.

4. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute and compensation has not been paid to them. 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 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.

5. 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. 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

May 7, 2015
gbs

(REKHA MITTAL)
JUDGE