

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17822 of 2014

Date of Decision: 30.3.2015

M/s Pranav Pooja Traders, Processors & Manufacturers 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: Ms. Rupinder Kaur, Advocate for
Mr. Sudershan Goel, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for
Mr. Ajay Kumar Kansal, Advocate for respondent No.2.

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 2.3.1993 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 1.3.1994 (Annexure P-3) under Section 6 of the Act, the award dated 28.2.1996 (Annexure P-4) and the show cause notice dated 4.7.2014 (Annexure P-8) 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 petitioners are owners in possession of the land as mentioned in para 2 of the petition. Government of Haryana issued a notification dated 2.3.1993 (Annexure P-2) under Section 4 of the Act followed by notification dated 1.3.1994 (Annexure P-3) under Section 6 of the Act for acquisition of 127.59 acres of land including the land of the petitioners for residential, commercial and institutional development in Sector 18, Panipat. Petitioner No.1 filed objections under Section 5-A of the Act. The award was passed on 28.2.1996 (Annexure P-4). Vide letter dated 6.8.2008 (Annexure P-5/1), the case of the petitioners for release of their land from acquisition was recommended. The Government released a major chunk of the land out of the present acquisition. The petitioners approached respondent No.2 for release of their land from acquisition vide representations dated 2.8.2008 and 9.6.2009 (Annexure P-6, colly.). Thereafter, petitioner No.1 moved a representation dated 15.2.2014 (Annexure P-7) pointing out that the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as the award was made more than 15 years back and possession of the land is still with the petitioners. After that, petitioner No.2 received a show cause notice dated 4.7.2014 (Annexure P-8) for initiating eviction proceedings. 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 the petitioners approached respondent No.2 for release of their land from acquisition vide representations dated 2.8.2008, 9.6.2009 (Annexure P-6 Colly) and dated 15.2.2014 (Annexure

P-7), but no response has been received. He, however, prayed that 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

March 30, 2015
gbs

(REKHA MITTAL)
JUDGE