

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17923 of 2014

Date of Decision: 8.7.2015

M/s Associated Medicare Limited, New Delhi.

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Deepshikha Saini, Advocate for
Mr. Siddhartha Kumar, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

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

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents not to act upon the notifications dated 24.7.1997 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 10.7.1998 (Annexure P-6) under Section 6 of the Act qua the land of the petitioner measuring 9 kanal 16 marlas situated in village Kundli, Tehsil and District Sonapat, having lapses, 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 petitioner is owner in possession of land measuring 9 kanal 16 marlas situated in village Kundli, Tehsil and District Sonapat.

Government of Haryana vide notification dated 5.8.1997 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 29.7.1998 (Annexure P-3) under Section 6 of the Act, acquired the land including the land of the petitioner for the development of an Industrial Estate in village Kundli, Sersa and Nangal Kalan, Tehsil and District Sonapat. The petitioner filed objections (Annexure P-4) under Section 5-A of the Act. The objections were rejected by the respondents. The petitioner filed CWP No. 4757 of 1999. The respondents filed reply to the said writ petition wherein it was mentioned that the land of the petitioner was not covered under the notification dated 5.8.1997 (Annexure P-3) but it was covered under a separate extension area notification dated 24.7.1997 (Annexure P-5) issued under Section 4 of the Act and a declaration dated 10.7.1998 under Section 6 of the Act and the award dated 28.10.1998 (Annexure P-6 Colly). The said writ petition along with other writ petitions was disposed of by this Court vide order dated 25.9.2000 (Annexure P-7) by providing an opportunity to the petitioners to pursue their cause before the State authorities. In pursuance thereto, the petitioner submitted a representation for release of its land before respondent No.3. Thereafter, the petitioner submitted additional brief dated 14.2.2001 (Annexure P-9) to the Sub-Committee at Kundli. On the basis of written submission and additional brief submitted by the petitioner, the Sub Committee at Kundli vide report, Annexure P-10, recommended that this was not a fit case where exemption could be granted. The petitioner filed a review application bearing RA No. 268 of 2002 in CWP No. 4757 of 1999 for recalling/review the order dated 25.9.2000 (Annexure P-7) and this Court vide order dated 25.4.2003 (Annexure P-11) dismissed the review application with liberty to the

petitioner to make written submissions to respondent No.3 and directed the State Government to appoint a Sub-Committee to consider the written submissions to be submitted by the petitioner. The petitioner also filed SLP No. 19988 of 2003 which was dismissed by the Supreme Court vide order dated 20.11.2003 and the review filed against the said order was also dismissed. The award was passed on 28.10.1998. The petitioner is still in physical possession of the land in dispute. No compensation has been paid to 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 in physical possession of the land in dispute and compensation has not been paid to it. 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 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 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 its representative within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its 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

July 8, 2015
gbs

(REKHA MITTAL)
JUDGE