

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18485 of 2014

Date of Decision: 20.7.2015

Raj Kishan Gupta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shubham Bhalla, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Som Nath Saini, Advocate for HUDA.

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 declaring the impugned notifications dated 2.5.2001 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 30.4.2002 (Annexure P-2) under Section 6 of the Act having 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. Government of Haryana vide notification dated 2.5.2001 (Annexure P-1) issued under Section 4 of the Act followed by notification

dated 30.4.2002 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioner. The petitioner filed objections under Section 5-A of the Act. The award was passed on 27.4.2004 (Annexure P-4). The petitioner filed CWP No. 12022 of 2002 challenging the said notifications and this Court vide order dated 16.8.2004 (Annexure P-3) dismissed the said writ petition on the basis of earlier decision in CWP No. 17068 of 2002. Thereafter, the petitioner filed SLP No. 1013 of 2005 against the order, Annexure P-3, and the Apex Court vide order dated 11.1.2010 (Annexure P-5) remanded the case back to this Court. This Court vide order dated 12.1.2011 (Annexure P-6) dismissed the writ petition filed by the petitioner. Feeling aggrieved, the petitioner filed SLP No. 13026 of 2011 and the Supreme Court vide order dated 19.8.2011 (Annexure P-7) dismissed the said SLP. The petitioner is still in physical possession of the land in question. No compensation has been paid to him. 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 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. 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 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 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.

(AJAY KUMAR MITTAL)
JUDGE

July 20, 2015
gbs

(REKHA MITTAL)
JUDGE