

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21435 of 2013

Date of Decision: 23.7.2015

Jasbir Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. S.P. Khatri, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.3.

Mr. Shailendra Jain, Senior Advocate with
Mr. Bhagender Singh, Advocate for respondent No.5.

AJAY KUMAR MITTAL, J.

1. 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 acquisition of land of Sector 2, Sonapat qua their land.

2. The facts, in brief, necessary for adjudication of the present petition as narrated therein may be noticed. Government of Haryana vide notification dated 19.10.2001 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 18.10.2002 (Annexure P-3) under Section 6 of the Act acquired the land including the land of the

petitioners. The award was passed on 14.10.2004. Respondent No.2 wrote a letter dated 15.2.2007 (Annexure P-5) to the Administrator, Haryana Urban Development Authority (HUDA), Rohtak for the release of 25.181 acres of land even after the passing of the award. The official respondents sanctioned the exchange of the land of the HUDA with the land of respondent No.5 vide letter dated 13.12.2012 (Annexure P-6). Prayer was made 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 petitioners are still in physical possession of the same and no compensation has been paid to them. Hence, the present writ petition.

3. 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. A prayer has been made that the matter be referred to the Committee as the petitioners 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.

4. In view of the above, the present writ petition is disposed of by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as are available to them 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 the petitioners 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

July 23, 2015
gbs

(REKHA MITTAL)
JUDGE