

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19438 of 2014

Date of Decision: 7.5.2015

Ishwar 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: Mr. Devinder Kumar, Advocate for
Mr. Sandeep Jain, Advocate for the petitioners.

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

Ms. Sunint Kaur, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. By way of 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 20.6.2005 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 19.6.2006 (Annexure P-4) under Section 6 of the Act 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"). Further, a writ of mandamus has been sought declaring the acquisition qua the land of the petitioners measuring 2 bighas 7 marlas situated at village Wazirabad, Tehsil and District Gurgaon having lapsed in view of Section 24(2) of the

2013 Act.

2. The petitioners are owners in possession of land measuring 1 bigha 7 marlas situated at village Wazirabad, Tehsil and District Gurgaon. Government of Haryana issued a notification dated 20.6.2005 (Annexure P-3) under Section 4 of the Act followed by notification dated 19.6.2006 (Annexure P-4) under Section 6 of the Act, for acquisition of the land of village Wazirabad, Tehsil and District Gurgaon including the land of the petitioners for the development and utilization of land for residential, commercial, institutional and open space for Sectors 52-A, 53, 54, Gurgaon. The award was passed on 22.2.2007 (Annexure P-5). The petitioners filed CWP No. 13426 of 2014 which was dismissed as withdrawn by this Court vide order dated 19.8.2014. The petitioners are still in physical possession of the land in dispute. 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.

3. Learned counsel for the petitioners submitted that the petitioners are still 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.

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. 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