IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19874 of 2014

Date of Decision: 8.7.2015

Vinman Estates Pvt. Ltd.

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. A.S. Khaira, Advocate for
Mr. J.S. Brar, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Anshul Jain, Advocate for
Mr. Amar Vivek, 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 certiorari for quashing the notifications dated 20.9.2004 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 9.5.2005 (Annexure P-5) under Section 6 of the Act and the award dated 27.10.2006 (Annexure P-6), 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 and in physical possession of land situated in village Fathepur, Hadbast No. 89, Tehsil and District Gurgaon.

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Government of Haryana vide notification dated 20.9.2004 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 9.5.2005 (Annexure P-5) under Section 6 of the Act, acquired the land of the petitioner for the development and utilization of land for Master Road and to lay down Master Water Supply Line, Master Sewer Line, residential and commercial, Sectors 47-49-50, Gurgaon. The award was passed on 27.10.2006 (Annexure P-6). 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

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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 **(REKHA MITTAL)**
gbs **JUDGE**

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