

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 19880 of 2014

Date of Decision: 1.4.2015

Rajnish Kumar 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. S.K. Jain, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondents No.2 and 5.

Mr. Imran, Advocate for

Mr. G.N. Malik, Advocate for respondent No.8.

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 30.11.2004 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 28.11.2005 (Annexure P-2) under Section 6 of the Act and the award 27.11.2007 (Annexure P-3) whereby the land of the petitioners has been acquired.

2. The petitioners are owners in possession of the land as detailed in para 2 of the writ petition. State of Haryana issued a notification dated 30.11.2004 (Annexure P-1) under Section 4 of the Act

followed by notification dated 28.11.2005 (Annexure P-2) under Section 6 of the Act for acquiring 56.80 acres of land situated in village Khairpur, Tehsil and District Sirsa for the public purpose, i.e. for residential and commercial sectors 19 and 20 Part Sirsa. The petitioners filed objections under Section 5-A of the Act. The award was passed on 27.11.2007 (Annexure P-3). After the passing of the award, respondent No.7 proceeded to release 1.28 acres of land in terms of order dated 18.9.2007 issued by the Hon'ble Chief Minister, Haryana. State of Haryana issued policies dated 26.10.2007 (Annexure P-10) and dated 24.1.2011 (Annexure P-11) regarding the release of the residential houses and in view thereof, the land of the petitioners deserve to be released from acquisition. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute. It was claimed that in such circumstances, in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, 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.

(AJAY KUMAR MITTAL)
JUDGE

April 1, 2015
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(REKHA MITTAL)
JUDGE