

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20115 of 2014

Date of Decision: 5.8.2015

Vinod Goel and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Ram Bilas Gupta, Advocate for the petitioners.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Atul Aggarwal, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this 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 3.7.1995 (Annexure P-11) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 2.7.1996 (Annexure P-12) under Section 6 of the Act, the award dated 29.6.1998 (Annexure P-13) and all subsequent proceedings, 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") in pursuance to

2. The petitioners are owners in possession of the land

measuring 4 kanal 4 marlas situated within the revenue estate of village Ajronda District Faridabad. In December, 1950, some lands including the land of the petitioners were notified for acquisition for development of a New Industrial Town at Faridabad including the land of the revenue estate of Ajronda situated between the western side of Delhi-Mathura Road and the eastern side of the railway line. The Estate Officer of the New Industrial Town of Faridabad had sought to obtain possession of the lands situated between railway line and Delhi Mathura Road in 1979 by issuing notices under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for brevity "1971 Act"). Some of the landowners who were served with notices under Section 4 of the 1971 Act, filed writ petitions. The said writ petitions were allowed and the notices under Section 4 of the 1971 Act were quashed by this Court vide order dated 27.4.1981 passed in CWP No. 631 of 1979. The LPA filed against the said order was dismissed by this Court vide order dated 30.4.1982 and the SLP against thereto was also dismissed by the Supreme Court vide order dated 26.7.1993. Respondent No.1 had issued notifications dated 19.12.1973 (Annexure P-4) and dated 6.11.1981 (Annexure P-5) under Section 4 of the Act for acquisition of land situated within the revenue estate of Ajronda between the railway line and the Delhi Mathura Road but the said notifications were allowed to lapse. Thereafter, notification dated 6.2.1989 (Annexure P-6) issued under Section 4 of the Act followed by notification dated 2.2.1990 (Annexure P-7) under Section 6 of the Act for acquisition of the land in question. The said notifications were challenged by way of writ petitions and the notifications in question were quashed by this Court vide order dated 23.9.1991 (Annexure P-8) passed in CWP No. 3617 of 1990.

Another notification dated 5.6.1992 (Annexure P-9) under Section 4 of the Act was issued for acquisition of the land. Some of the landowners filed objections under Section 5-A of the Act. The respondent-State did not go ahead with the acquisition of the lands in pursuance to the notification dated 5.6.1992 qua the land of the petitioners. Respondent No.1 issued notification dated 4.6.1993 (Annexure P-10) under Section 6 of the Act. Thereafter, another notification dated 3.7.1995 (Annexure P-11) under Section 4 of the Act followed by notification dated 2.7.1996 (Annexure P-12) under Section 6 of the Act for acquisition of land including the land of the petitioners. The other landowners challenged the said acquisition by way of CWP No. 12320 of 1998 and this Court vide order dated 11.5.1999 allowed the writ petition and quashed the acquisition proceedings. Again Government of Haryana vide notification dated 12.6.2000 issued under Section 4 of the Act acquired 23.09 acres of land for commercial, institutional, recreational and residential purposes as Sectors 20-A and 20-B, Urban Estate, Faridabad in which khasra numbers prior to consolidation proceedings which had been initiated in 1953-54 are mentioned. The Friends Colony set up in Sector 20, Faridabad has been excluded from acquisition vide letter dated 15.3.1996. While issuing notification under Section 4 of the Act the land measuring 16 kanal 1 marla in which land of the Krishna Palace, Sushma Palace, Rama Palace, Vishnu Palace and Deshmesh Palace is not acquired. The award was passed on 29.6.1998 (Annexure P-13). The petitioners filed a civil suit for declaration and consequential relief of mandatory and permanent injunction before the trial court on 10.9.1998 which was dismissed in default on 27.10.2004. The petitioners are still in physical possession of the land in question. 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 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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE