

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20694 of 2014

Date of Decision: 25.3.2015

Man Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjay Mittal, Advocate for the petitioner.

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

Mr. Pritam Saini, Advocate for respondent-HUDA.

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 27.1.2003 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-4) relating to village Dhaliawas vide which his land was acquired.

2. As per the averments made in the petition, the petitioner is co-owner in possession of the land comprised in mutil 24 killa Nos. 12 (8-0), 13 (6-12) situated at village Dhaliawas, Tehsil and District Rewari. Government of Haryana issued a notification dated 27.1.2003 (Annexure

P-1) under Section 4 of the Act for acquisition of the land of the petitioner for the public purpose of development and utilization of land as residential and commercial for Sectors 18, 19, 20 Part, Commercial Sector 17 Part, Rewari. The petitioner filed objection under Section 5-A of the Act. Thereafter, notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act was issued and award was passed on 20.1.2006 (Annexure P-4). The Government has released some other land relating to villages Rewari and Dhaliawas near about 70 acres by issuing notification dated 27.3.2006 under Section 48 of the Act. He is still in physical possession of the land in question. No compensation has been paid to him. According to the petitioner, the acquisition proceedings have lapsed 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"). 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 him. 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 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 him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his 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

March 25, 2015
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(REKHA MITTAL)
JUDGE