

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21539 of 2014

Date of Decision: 21.7.2015

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. Anil Kshetarpal, Senior Advocate with
Mr. Saurabh Garg, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a direction declaring that the compulsory acquisition of land measuring 3 bigha 3 biswas situated in village Tejli, Hadbast No. 409, Tehsil Jagadhri, District Yamuna Nagar has 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"). Further a writ of certiorari has been sought quashing the notifications dated 10.5.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 11.5.2001 (Annexure P-4) and the award dated 14.3.2002 (Annexure P-7).

2. The petitioners are co-owners in possession of the land measuring 3 bigha 6 biswas situated within the revenue estate of village Tejli, Hadbast No. 409, Tehsil Jagadhri, District Yamuna Nagar. Earlier, in the years 1969, 1974 and 1980, the State of Haryana made efforts to acquire the land for the development of Sector 15, Jagadhri but all the times the acquisition was allowed to lapse. Thereafter, the respondents issued notification dated 24.4.1987 under Section 4 of the Act followed by notification under Section 6 of the Act for acquisition of the land in question. The petitioners filed objections under Section 5-A of the Act. They challenged the acquisition proceedings by filing CWP No. 4954 of 1990 which was allowed along with other writ petitions by this Court vide order dated 29.9.1992 (Annexure P-2). Another notification dated 2.5.2001 was issued under Section 4 of the Act for acquisition of 8.52 acres of land in village Garhi Mundon, 81.18 acres of land in village Tejli for the development of Sector 15, Jagadhri. Thereafter, Government of Haryana vide notification dated 10.5.2001 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 11.5.2001 (Annexure P-4) under Section 6 of the Act, acquired the land including the land of the petitioners for the development of Sector 15 (Part I), Jagadhri. The award was passed on 14.3.2002 (Annexure P-7). No compensation has been paid to the petitioners. 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 compensation has not been paid to the petitioners. 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.

(AJAY KUMAR MITTAL)
JUDGE

July 21, 2015
gbs

(REKHA MITTAL)
JUDGE