

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 22619 of 2014

Date of Decision: 20.7.2015

Shashi Bala Gupta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Kiranpal Singh, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a direction declaring that the acquisition of the land measuring 7½ 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 2.5.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 30.4.2002 (Annexure P-4) under Section 6 of the Act.

2. The petitioner is owner in possession of the land measuring

7½ biswas situated in village Tejli, Hadbast No. 409, Tehsil Jagadhri, District Yamuna Nagar. Earlier in the years 1969, 1974 and 1980, the respondent-State had made efforts to acquire the land for development of Sector 15, Jagadhri, but all the times, the notifications were allowed to lapse. However, in the year 1987, notification dated 24.4.1987 was issued under Section 4 of the Act followed by notification under Section 6 of the Act for acquisition of the land. The landowners filed objections which were not decided. The acquisition proceedings were challenged by filing CWP No. 3269 of 1990 along with other connected writ petitions which were allowed by this Court vide order dated 29.9.1992 (Annexure P-2) and the notifications were quashed. Thereafter, Government of Haryana vide notification dated 2.5.2001 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 30.4.2002 (Annexure P-4) under Section 6 of the Act, acquired 8.52 acres of land in village Garhi Mundon, 81.18 acres of land in village Tejli including the land of the petitioner for the development of Sector 15, Jagadhri. The award was passed on 27.4.2004. The petitioner is still in physical possession of the land in question and no compensation has been paid to her. 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 still in physical possession of the land in question and compensation has not been paid to her. 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her 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 20, 2015
gbs

(REKHA MITTAL)
JUDGE