

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 23072 of 2014

Date of Decision: 27.4.2015

Onkar 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. Sandeep Bansal, Advocate for
Mr. Saurabh Garg, Advocate for the petitioners.

Mr. Vishal Garg, Additional Advocate General, Haryana.

Mr. Raman Gaur, Advocate for respondent No.3.

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 declaring the compulsory acquisition of land situated at village Tejli, Tehsil Jagadhri District Yamuna Nagar, pursuant to notifications dated 2.5.2001 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 30.4.2002 (Annexure P-5) under Section 6 of the Act and the award dated 27.4.2004 (Annexure P-7) having 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 prayer for issuance of a writ of certiorari has been made for quashing the said

notifications issued under Sections 4 and 6 of the Act and the award passed by the Land Acquisition Collector.

2. The petitioners are owners of the land, as detailed in para 4 of the writ petition. Earlier the Government of Haryana acquired the land in the years 1969, 1974 and 1980 for the development of Sector 15, Jagadhri. The said acquisition proceedings were allowed to lapse. Thereafter, in the year 1987, notification dated 24.4.1987 was issued under Section 4 of the Act for acquisition of the land in question. The petitioners filed objections under Section 5-A of the Act. The said acquisition proceedings were challenged by filing CWP No. 3269 of 1990. This Court vide judgment dated 29.9.1992 (Annexure P-1) quashed the acquisition proceedings. After a period of 14 years, Government of Haryana issued a notification dated 2.5.2001 (Annexure P-2) under Section 4 of the Act for acquisition of 8.52 acres of land in village Garhi Mundon and 81.18 acres of land in village Tejli for the development of Sector 15, Jagadhri. Thereafter, another notification dated 10.5.2001 (Annexure P-3) under Section 4 read with Section 17 of the Act was issued for acquisition of 1.30 acres of land in village Tejli for the public purpose, i.e. for construction of road to Sector 15, Jagadhri. The objections were filed under Section 5-A of the Act on 29.5.2001 (Annexure P-4). Notification dated 30.4.2002 (Annexure P-5) under Section 6 of the Act was issued. Some of the petitioners along with other land owners filed CWP No. 12022 of 2002 challenging the said acquisition. The said writ petition was partly allowed by this Court vide order dated 12.1.2011 (Annexure P-6). The award was passed on 27.4.2004 (Annexure P-5). They 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**

April 27, 2015
gbs

**(REKHA MITTAL)
JUDGE**