

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 23127 of 2014

Date of Decision: 3.7.2015

Bimla Devi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Yash Dev Kaushik, Advocate for the petitioner.

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

Mr. Dhiraj Chawla, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. Affidavit of Shri Chander Parkash, Secretary to Government of Haryana and Director General, Industries and Commerce Department, Haryana, Chandigarh on behalf of respondent No.1 filed today in Court is taken on record subject to all just exceptions.

2. By way of instant 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 31.7.2006 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 9.8.2007 (Annexure P-6) under Section 6 of the Act and dated 29.7.2008 (Annexure P-7) qua her land situated in village Machhgar, Tehsil Ballabgarh, District Faridabad 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")

3. The petitioner is owner in possession of land measuring 11 kanal 11 marlas situated in village Machhgarh, Tehsil Ballabgarh, District Faridabad and has constructed 'A', 'B' and 'C' class houses thereon. Government of Haryana issued a notification dated 31.7.2006 (Annexure P-4) under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-6) under Section 6 of the Act for acquisition of land of various villages including the land of the petitioner. The petitioner filed objections under Section 5-A of the Act on 28.8.2006 (Annexure P-5). She challenged the notifications by way of CWP No. 12530 of 2008 before this Court. The award was passed on 29.7.2008 (Annexure P-7). The said writ petition was dismissed by this Court vide common order dated 27.1.2010 (Annexure P-8) passed in CWP No. 15618 of 2007. The petitioner is still in physical possession of the land in question. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. Hence, the present writ petition.

4. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land in dispute. 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.

5. 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 her 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 3, 2015
gbs

(REKHA MITTAL)
JUDGE