

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 23631 of 2014

Date of Decision: 5.8.2015

Babu Lal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

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

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

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 30.3.1990 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 27.3.1991 (Annexure P-5) under Section 6 of the Act and the award dated 24.3.1993 (Annexure P-18) vide which his land was acquired.

2. The petitioner is owner in possession of the land, as detailed in paras 2 and 3 of the writ petition and has raised 'A' class construction thereof. Government of Haryana vide notification dated 30.3.1990 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 27.3.1991 (Annexure P-5) under Section 6 of the Act, acquired the land including the land of the petitioner for the development

and utilization of land for residential, commercial and institutional area, Rewari. The petitioner filed objections under Section 5-A of the Act. Respondent No.6 vide report, Annexure P-4, recommended that there is a old residence and the proportionate area be released. The petitioner challenged the said notifications by way of CWP No. 3453 of 1993. Another CWP No. 3454 of 1993 was filed by the petitioner and his brother. Both the said writ petitions were disposed of by this Court vide orders dated 13.7.1998 (Annexures P-6 and P-7, respectively) in terms of order dated 13.7.1998 (Annexure P-8) passed in CWP No.6789 of 1993 which was disposed of in terms of order dated 5.1.1995 (Annexure P-9) passed in CWP No. 4514 of 1994. The Director, Urban Estate, Haryana wrote a letter dated 4.8.1999 (Annexure P-10) to respondent No.3 about the compliance of the order passed by this Court in CWP No. 6789 of 1993 including other 21 writ petitions including CWP Nos. 3453 and 3454 of 1993. In response thereto, respondent No.3 wrote a letter dated 25.8.1999 (Annexure P-11) to the Director, Urban Estate, Haryana recommending that as 1 kanal 6 marla land stands already released and the other constructed area with proportionate open space approximately 3 kanals could be considered for release. The petitioner moved representations, Annexures P-12 to P-14, respectively, for release of the land, but to no effect. After spot inspection, a report had also been sent to the Government but in 18 writ petitions order of release has been passed but the release order in CWP No. 3454 of 1993 has not been passed as mentioned in the letter dated 27.1.2005 (Annexure P-15) written by respondent No.6 to the Director, Urban Estate, Haryana. The award was passed on 24.3.1993 (Annexure P-18). The petitioner is still in physical possession of the land in question and 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 still in physical possession of the land in question 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 comprehensive 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 his 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

August 5, 2015
gbs

(DARSHAN SINGH)
JUDGE