

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No. 3480 of 2015 and
CWP No. 23775 of 2014

Date of Decision: 17.3.2015

Darshan Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Naresh Kaushal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

CM No. 3480 of 2015

The photographs, Annexures P-8 to P-14 filed along with the application are taken on record subject to all just exceptions.

CM stands disposed of accordingly.

CWP No. 23775 of 2014

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 in the nature of certiorari for quashing the acquisition proceedings carried out vide notifications 21.3.1988 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 15.4.1988 (Annexure P-2) under Section 6 of the Act and the award dated 18.4.1989 (Annexure P-3) having been lapsed by operation 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") as well as on the basis of decision dated 24.1.2014 (Annexure P-5) passed by the Apex Court in Civil Appeal No. 877 of 2014.

2. The land of the petitioners as detailed in para 2 of the writ petition situated in village Ramgarh Bhuda, Hadbast No. 42, Tehsil Rajpura, District Patiala (now Tehsil Dera Bassi, District SAS Nagar) was acquired by the Government of Punjab vide award dated 18.4.1989 (Annexure P-3) for public purpose for the construction of Bassi Distributory. Notifications under Sections 4 and 6 of the Act (Annexures P-1 and P-2) were issued/ published in the Government Gazette on 21.3.1988 and 15.4.1988, respectively. The petitioners are in physical possession of the land in question and have sown crops. So far as entries in the revenue record qua the acquired land with regard to title are concerned, the same were in papers only and the Government had prohibited the entries with regard to actual position on the spot in the khasra girdawaries but the fact remained that the said project is not feasible on the spot and the actual physical possession is of the petitioners on the acquired land. Since the petitioners are in possession of the land in question, therefore by operation of Section 24(2) of the 2013 Act, the acquisition proceedings qua their land stand lapsed. Accordingly, the petitioners sent a justice demand notice dated 28.6.2014 (Annexure P-6) to the respondents for treating the acquisition qua their land to have been lapsed by the operation of Section 24(2) of the 2013 Act but no response has been received from them. 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 for the relief claimed in the writ petition, the petitioners have sent a justice demand notice dated 28.6.2014 (Annexure P-6) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the competent authority to take a decision on the demand notice dated 28.6.2014 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of four months from the date of receipt of certified copy of the order. The petitioners shall be entitled to lead any evidence to substantiate their claim before the appropriate authority. Till the matter is decided by the concerned authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

March 17, 2015
gbs

(REKHA MITTAL)
JUDGE