

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24090 of 2014

Date of Decision: 7.5.2015

Vijay Kumar 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. Rajesh Sethi, Advocate for the petitioners.

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

AJAY KUMAR MITTAL, J.

1. Written statement on behalf of respondents No.1,2 and 4 filed today in Court is taken on record subject to all just exceptions.
2. Through the 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 mandamus directing the respondents to release their land 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 has been made for quashing the notifications dated 2.12.2002 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 5.11.2003 (Annexure P-5) under Section 6 of the Act qua the land of the petitioners having lapsed in view of Section 24(2) of the

2013 Act.

3. The petitioners are owners of the land measuring 9 kanal 15 marlas situated in village Patti Kaisth, Hadbast No.24, Tehsil and District Kaithal to the extent of their respective shares. Government of Haryana issued a notification dated 2.12.2002 (Annexure P-4) under Section 4 of the Act followed by notification dated 5.11.2003 (Annexure P-5) under Section 6 of the Act for acquisition of 55 acres 7 kanal and 11 marlas of land for the construction of building etc. for police lines, Kaithal and its staff quarters in Tehsil and District Kaithal. Petitioner No.1 and Smt. Sita Rani filed CWP No. 12968 of 2004 challenging the acquisition proceedings which was dismissed by this Court vide common order dated 15.12.2010 (Annexure P-6). The award was passed on 17.11.2005. The SLP filed by petitioner No.1 and Smt. Sita Rani was dismissed by the Apex Court vide order dated 19.9.2011 (Annexure P-7). 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.

4. 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.

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 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

May 7, 2015
gbs

(REKHA MITTAL)
JUDGE