

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24261 of 2014

Date of Decision: 30.6.2015

Shri Ram

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Sharma, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Atul Aggarwal, 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 petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 27.1.2003 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-3). Further, a writ of mandamus has been sought directing the respondents to release his house 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")

2. The petitioner is owner in possession of the land measuring

2 kanal 2 marlas in village Dhaliwas, District Rewari and has constructed shops and residential house thereon. Government of Haryana vide notification dated 27.1.2003 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioner for the development of Sectors 18, 19 and 20, Urban Estate, Rewari. The award was passed on 20.1.2006 (Annexure P-3). The respondents have issued license/CLU to the private builders after passing the award in the same area. The petitioner made a representation for releasing the land in question but to no effect. He filed CWP No. 7198 of 2014 and this Court vide order dated 21.4.2014 disposed of the said writ petition with a direction to the respondents to consider his case within a period of four months. The respondents have released 525 square yard land out of 1280 square yards. The petitioner is still in physical possession of the land in dispute. According to the petitioner, 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 petitioner submitted that the petitioners are 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.

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 him 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

June 30, 2015
gbs

(REKHA MITTAL)
JUDGE