

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.25219 of 2014

Date of Decision: April 08, 2015

Satpal @ Satyapal and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.M.L.Sharma, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are residents of Kashmiri Colony, Bahadurgarh, Tehsil Bahadurgarh, District Jhajjar. Their grievance is against the notifications dated 28.06.2004 and 27.06.2005, issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act').

One of the plea taken by them in the instant writ petition is that the impugned acquisition has 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'). The case of the petitioners is that they are still in physical possession of the acquired land and no compensation has been paid to them. Two decisions of this Court in Girdhari Lal and others versus Union of India and others, CWP No.17412 of 2004, decided on 21.04.2014 and Ashok Kumar and others

versus State of Haryana and others, (CWP No.9472 of 2007,
decided on 25.04.2014, are referred to in order to point out
that acquisition in the entire area has been subject matter of
litigation before one or the other forums, due to which the
petitioners were never dispossessed from the acquired land.
On this premise, it is urged that Section 24 (2) of 2013 Act is
fully attracted.

Having heard learned counsel for the petitioners
and considering the fact that they have raised mixed questions
of law and facts which can be effectively determined even by
the authorities after verification of the fact situation at the
spot, we do not deem it necessary to express any opinion on
merits, rather dispose of this writ petition with a direction to
the respondents to treat this petition as representation on
behalf of the petitioners with further liberty to them to
supplement the same, if need be and dispose of the same by
passing a speaking order in accordance with law especially
with reference to Section 24 (2) of 2013 Act, as early as
possible but not later than four months from the date of
receiving a certified copy of this order.

Ordered accordingly.

Till then, both the parties are directed to maintain
status-quo.

[SURYA KANT]
JUDGE

April 08, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE