

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25943 of 2014

Date of Decision: 1.7.2015

Rohtas 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. Pankaj Bali, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ravi Gakhar, Advocate for
Mr. Jagdish Manchanda, 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 petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 24.7.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 22.7.2004 (Annexure P-4) under Section 6 of the Act, notice dated 3.3.2006 (Annexure P-6) issued under Section 9 of the Act and the award dated 21.7.2006 (Annexure P-7) and prohibiting the respondents from taking possession of their land situated within the revenue estate of village Sunderpur, Tehsil Thanesar, District Kurukshetra as the acquisition proceedings qua their land stood 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").

2. The petitioners are owners in possession of the agricultural land measuring 9 kanal 13 marlas situated in village Sunderpur, Tehsil Thanesar, District Kurukshetra. Government of Haryana issued a notification dated 24.7.2003 (Annexure P-3) under Section 4 of the Act followed by notification dated 22.7.2004 (Annexure P-4) under Section 6 of the Act for acquisition of 141.61 acres of land situated in village Sunderpur, Tehsil Thanesar, District Kurukshetra including the land of the petitioners measuring 58 kanals for the development and utilization of land as residential, commercial, communicational and transport area for Sectors 9 to 14, Kurukshetra. The petitioners along with their one brother, namely, Nanak Chand entered into an agreement to sell dated 9.9.2005 with M/s Sumitra Builders qua the property measuring about 62 kanal 11 marlas. M/s Sumitra Builders was able to get their land measuring 62 kanal 11 marlas released from the acquisition. Notice dated 3.3.2006 (Annexure P-6) under Section 9 of the Act was issued to the petitioners. The award was passed on 21.7.2006 (Annexure P-7). The petitioners filed CWP No. 15573 of 2006 and the said writ petition was disposed of as infructuous by this Court vide order dated 11.2.200 (Annexure P-8). Thereafter, the petitioners filed CWP No. 14725 of 2013 which was disposed of by this Court vide order dated 12.7.2013 (Annexure P-9) with liberty to approach the competent authority who was directed to decide the application to be moved by the petitioners by passing a speaking order within a period of four months from the date of receipt of the same. In pursuance thereto, the petitioners moved an application which was rejected by respondent No.1 vide order dated

17.12.2013 (Annexure P-10). 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.

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 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.

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 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

July 1, 2015
gbs

(REKHA MITTAL)
JUDGE