

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26257 of 2014

Date of Decision: 6.4.2015

Sudama

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shiv Kumar, Advocate for the petitioner.

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

Mr. Pritam Saini, Advocate for respondents No.2 and 4.

AJAY KUMAR MITTAL, J.

1. The petitioner, by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 30.4.1986 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 28.4.1987 (Annexure P-3) under Section 6 of the Act 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 bearing khasra Nos. 49/22/1 (3-15), 49/21/3 (1-2) and 49/20/2 (0-12) besides some other land owned by him situated at village Mewla Maharajpur,

Tehsil Ballabgarh, District Faridabad. Government of Haryana issued notification dated 30.4.1996 (Annexure P-2) under Section 4 of the Act followed by notification dated 28.4.1987 (Annexure P-3) under Section 6 of the Act for acquisition of 86.48 acres of land situated within the revenue estate of Mewla Maharajpur, Teshil Ballabagarh, District Faridabad including the land of the petitioner for the development and utilization of land as residential and commercial area in Sector 46, Urban Estate, Faridabad. The petitioner filed objection under Section 5-A of the Act. The petitioners filed CWP No. 1700 of 1988 in this Court challenging the notifications and passing of the award along with other affected persons. Initially, the aforesaid writ petition was admitted and interim stay of dispossession was passed vide order dated 29.9.1988. Ultimately, the writ petition was dismissed vide order dated 14.12.2009 (Annexure P-4). According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as he is in actual physical possession of the land in dispute and no compensation has been paid to him. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the award was made on 28.12.1988. It was urged that the petitioner is in physical possession of the land in dispute and compensation has not been paid to him. 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 the petitioner has sent a legal notice dated 12.3.2014 (Annexure P-7) to the respondents for releasing the land in question but no action has so far been taken thereon. He, however, prayed that 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 and 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 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.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE