

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26361 of 2014

Date of Decision: 23.3.2015

Ajay 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. Parijat Rewa, Advocate for
Mr. Gopal Sharma, Advocate for the petitioners.

None for the respondents.

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 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, the award dated 20.1.2006 (Annexure P-3) and the entire acquisition proceedings qua the properties of the petitioners and to release the same as the acquisition proceedings have lapsed in terms 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. As per the averments made in the petition, the petitioners

are owners in possession of the land measuring 30 kanals situated within the revenue estate of village Konsiwas, Tehsil and District Rewari. The respondents issued a notification dated 27.1.2003 (Annexure P-1) under Section 4 of the Act for acquisition of land of the petitioners for the purpose of residential and commercial building in Sectors 18, 19 and 20-Part, commercial Sector-17 Part at Rewari. The petitioners filed objections under Section 5-A of the Act. Thereafter, notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act was issued and the award was pronounced on 20.1.2006 (Annexure P-3). They are still in physical possession of the land in question. No compensation has been paid to them. They have submitted applications to the respondents for releasing their land from the acquisition. 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 houses 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 the petitioners have sent a representation dated 30.1.2014 (Annexure P-13) 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 petitioners 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 petitioners, 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.

(AJAY KUMAR MITTAL)
JUDGE

March 23, 2015
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(REKHA MITTAL)
JUDGE