

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26564 of 2014

Date of Decision: 30.3.2015

Ram Singh 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: Dr. Surya Parkash, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. P.K. Longia, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. Written statement filed on behalf of respondent No.3 today in Court is taken on record subject to all just exceptions.

2. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus seeking direction to the effect that the acquisition process issued vide notifications dated 27.1.2003 (Annexure -1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and award dated 20.1.2006 (Annexure P-3) shall be deemed to have lapsed qua their land 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").

3. The petitioners are owners in possession of half share of the land situated in village Padianwas, Tehsil and District Rewari. Government of Haryana issued a notification dated 22.1.2003 (Annexure P-1) under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and award was passed on 20.1.2006 (Annexure P-3) for acquisition of land of the petitioners for the development of residential and commercial Sectors 18, 19 and 20 Part, commercial Sector 17 Part at Rewari. The petitioners are having their respective residential houses on the land in dispute and they filed objections under Section 5-A of the Act. They are still in physical possession of the land in question. No compensation has been paid to them. They have sent a legal notice dated 3.12.2014 (Annexure P-12) 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.

4. 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 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.

5. 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.

(AJAY KUMAR MITTAL)
JUDGE

March 30, 2015
gbs

(REKHA MITTAL)
JUDGE