

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26718 of 2014

Date of Decision: 30.6.2015

Munni Devi and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Yashpal Thakur, Advocate for
Mr. Adarsh Jain, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

AJAY KUMAR MITTAL, J.

1. 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 certiorari for quashing the notifications dated 8.5.1995 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 6.5.1996 (Annexure P-2) under Section 6 of the Act and the award dated 30.4.1998 qua their land situated in village Unchagaon, Faridabad, as the acquisition proceedings have 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 actual possession of small pieces of plots situated in village Unchagaon, Hadbast No. 76, Tehsil

and District Faridabad. They have made 'A' class construction having RCC roof and marble flooring. State of Haryana issued a notification dated 12.5.1995 (Annexure P-1) under Section 4 of the Act followed by notification dated 6.5.1996 (Annexure P-2) under Section 6 of the Act for acquisition of 52.98 acres of land in village Unchagaon for the development and utilization of land as transport, communication, commercial, residential and institutional, Sector 61, Faridabad. On receipt of notice under Section 9 of the Act, the petitioners along with others filed objections under Section 5-A of the Act. The petitioners along with others filed CWP No. 5484 of 1998 which was disposed of by this Court. The award was passed on 30.4.1998. They are still in physical possession of the land in question. In case, the amount of compensation has been paid to the petitioners, they are ready to deposit the same. 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 in case, the amount of compensation has been paid to the petitioners, they are ready to deposit the same. 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

June 30, 2015
gbs

(REKHA MITTAL)
JUDGE