

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3755 of 2014

Date of Decision: 14.5.2015

Jagpal Rathee 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: Ms. Anita Balyan, Advocate for the petitioners.

Mr. Arvind Seth, Advocate for the petitioners,
(In CWP Nos. 9077 and 26747 of 2014).

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajvir Singh Sihag, Advocate for HSIIDC.

AJAY KUMAR MITTAL, J.

1. This order shall dispose of a bunch of 5 petitions bearing CWP Nos. 3755, 4978, 5686, 9077 and 26747 of 2014 as according to the learned counsel for the parties, similar issues are involved therein and arise from the one and the same notification. For brevity, the facts are being extracted from CWP No. 3755 of 2014.

2. 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 23.1.2001 (Annexure P-2), declaration dated 22.1.2002 (Annexure P-3) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short “the

Act”) and subsequent proceedings of award dated 20.1.2004 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 the land situated within the revenue estate of village Sankhol, Tehsil Bahadurgarh, District Jhajjar, as detailed in para 2 of the writ petition. Government of Haryana vide notification dated 23.1.2001 (Annexure P-2) issued under Section 4 of the Act intended to acquire 253 acres 4 kanal 2 marlas of land including the land of the petitioners for the development of industrial area in village Sankhol, Tehsil Bahadurgarh, District Jhajjar. The respondents after considering the recommendations of the Land Acquisition Collector, Jhajjar made under Section 5-A of the Act and the comments of the Haryana State Industrial and Infrastructure Development Corporation issued notification dated 22.1.2002 (Annexure P-3) under Section 6 of the Act for acquisition of land measuring 157 acres 7 kanal 19 marlas of village Sankhol, Tehsil Bahadurgarh, District Jhajjar. The award was passed on 20.1.2004 for land measuring 154 acres 3 kanal 1 marla. After vacation of stay on acquisition proceedings by the Additional District Judge, Jhajjar, the State Government issued second notification dated 24.1.2003 under Section 6 of the Act for acquisition of land measuring 43 acres 1 kanal 3 marlas of village Sankhol, Tehsil Bahadurgarh, District Jhajjar. The land surrounded and adjacent to the land of the petitioners was released by respondent No.2 and the land of various landowners was allotted to private company. The petitioners moved representations, Annexures P-11 and P-12, respectively for the release of their land from acquisition in view of

Section 24(2) of the 2013 Act, but no action has been taken till date. They are still in physical possession of the land in dispute. They are ready to refund the amount of compensation along with interest. 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 land in dispute. Although they have received the amount of compensation but they are ready to refund the same along with interest. 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 all the writ petitions by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petitions before the appropriate authority. It is directed that in the event of a representation(s) 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(s). 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(s) is filed within the stipulated period as noticed above, the interim order shall cease to operate, thereafter.

(AJAY KUMAR MITTAL)
JUDGE

May 14, 2015
gbs

(REKHA MITTAL)
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9077 of 2014

Date of Decision: 14.5.2015

Rajbir 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: Mr. Arvind Seth, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajvir Singh Sihag, Advocate for HSIIDC.

AJAY KUMAR MITTAL, J.

Affidavit of Sh. Parvesh Kumar, Joint Secretary to Government of Haryana, Industries and Commerce Department, Haryana on behalf of respondent No.1 filed today in Court is taken on record subject to all just exceptions.

For orders, see **CWP No. 3755 of 2014 (Jagpal Rathee and others v. State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

May 14, 2015
gbs

**(REKHA MITTAL)
JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26747 of 2014

Date of Decision: 14.5.2015

Santosh Kumar Garg 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. Arvind Seth, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajvir Singh Sihag, Advocate for HSIIDC.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 3755 of 2014 (Jagpal Rathee
and others v. State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

May 14, 2015
gbs

**(REKHA MITTAL)
JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5686 of 2014

Date of Decision: 14.5.2015

Azad 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: Ms. Anita Balyan, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajvir Singh Sihag, Advocate for HSIIDC.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 3755 of 2014 (Jagpal Rathee
and others v. State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

May 14, 2015
gbs

**(REKHA MITTAL)
JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4978 of 2014

Date of Decision: 14.5.2015

Prem 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: Ms. Anita Balyan, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Rajvir Singh Sihag, Advocate for HSIIDC.

AJAY KUMAR MITTAL, J.

For orders, see **CWP No. 3755 of 2014 (Jagpal Rathee
and others v. State of Haryana and others).**

**(AJAY KUMAR MITTAL)
JUDGE**

May 14, 2015
gbs

**(REKHA MITTAL)
JUDGE**