

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2744 of 2015

Date of Decision: 28.7.2015

Mukesh Sharma

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Chanakya Pandit, Advocate for the petitioner.

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

Mr. Rajesh Malik, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. Copy of award dated 21.9.1986 filed today in Court is taken on record.

2. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 17.11.1982 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 10.12.1984 (Annexure P-2) under Section 6 of the Act vide which his land has been acquired. Further a writ of mandamus has been sought directing the respondents to release the land in question, 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. Government of Haryana vide notification dated 17.11.1982 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 10.12.1984 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioner. The petitioner filed objections under Section 5-A of the Act. The award was passed on 21.9.1986. The petitioner filed a representation dated 10.12.2014 (Annexure P-4) before respondent No.1 for release of the land in question in view of Section 24(2) of the 2013 Act. He is still in physical possession of the land in question. Compensation for part of the land has not been paid to him. According to the petitioner, 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 petitioner submitted that the petitioner is still in physical possession of the land in question and compensation for part of the land 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 since no comprehensive demand notice claiming the relief as claimed in respect of lapse of notifications has been filed with the respondents, 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, 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 petitioner 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 the petitioner 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. 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

July 28, 2015
gbs

(REKHA MITTAL)
JUDGE