

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.2893 of 2015 (O&M)

Date of Decision:-31.08.2015

Smt. Birwati Choudhary and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

**Present:- Mr. Chetan Mittal, Senior Advocate
with Mr. Mohinder S. Nain, Advocate,
for the petitioners.**

Mr. Sandeep Moudgill, Addl. A.G., Haryana.

SATISH KUMAR MITTAL, J.(Oral)

The petitioners have filed the instant writ petition challenging the notifications dated 17.12.1981 (Annexure P-3) and 29.4.1985 (Annexure P-4) issued under Sections 4 and 6 of the Land Acquisition Act, 1894, respectively, as well as the award dated 28.4.1987 (Annexures P-5).

During the pendency of this writ petition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the RFCT Act') came into force. Now the petitioners have moved an application under Section 24 (2) of the RFCT Act with a prayer that in view of the fact that neither the possession was taken nor the compensation was paid, the said acquisition has lapsed.

In view of this, learned senior counsel for the petitioners states that the petitioners may be permitted to withdraw this petition with liberty to make a representation under Section 24(2) of the RFCT Act to the appropriate Government to take a decision on the same in accordance with the directions given by this Court in Sunita Sahrawat and others vs. State of Haryana and others, (CWP No.6652 of 2014, decided on 29.05.2015).

In view of this, learned counsel for the respondent-State has no objection in this regard.

In view of the aforesaid, the petitioners are permitted to withdraw the main writ petition with liberty to make a representation under Section 24(2) of the RFCT Act to the appropriate Government in light of the decision rendered by the Division Bench of this Court in Sunita Sahrawat's case (supra) and we direct the respondents to take a decision on the said representation in light of the decision rendered in Sunita Sahrawat's case (supra).

Till the decision on the representation, the status-quo shall be maintained.

(SATISH KUMAR MITTAL)
JUDGE

August 31, 2015
vkg

(MAHAVIR S. CHAUHAN)
JUDGE