

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2946 of 2015

Date of Decision: 16.7.2015

Ganga Mandir, Rewari

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sudhir Mittal, Advocate for the petitioner.

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

AJAY KUMAR MITTAL, J.

1. In this 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 27.1.2003 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 23.1.2004 (Annexure P-3) under Section 6 of the Act qua the land of the petitioner as the same 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 petitioner is owner in possession of the land measuring 73 kanal 13 marlas situated within the revenue estate of village Dhaliawas, Tehsil and District Rewari. The said land was received by

the predecessor-in-interest of the petitioner by way of “Dholi” in the year 1877. Shri Puran Dass Chela Narain Dass was the first “Dholidar” and thereafter the said land was developed through succession upon Trilok Chand son of Shri Beni Parshad, Manager and owner of Ganga Mandir. Government of Haryana vide notification dated 27.1.2003 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-3) under Section 6 of the Act, acquired an area of 365.73 acres for residential and commercial Sectors 18, 19, 20 Part and Sector 17 Part, Rewari which was reduced to 338.71 acres. The award was passed on 20.1.2006 (Annexure P-4). Reference dated 27.2.2006 (Annexure P-5) was filed under Section 18 of the Act which is pending adjudication. The petitioner is still in physical possession of the land in question. Compensation amount has been deposited in the reference court by respondent No.3. According to the petitioner, 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 petitioner submitted that the petitioner is still in physical possession of the land in question and compensation has not been paid to it as the same has been deposited in the reference court. 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.

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 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 its 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 16, 2015
gbs

(REKHA MITTAL)
JUDGE