

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3041 of 2015

Date of Decision: 20.3.2015

Raghubir 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. Shashikant Gupta, 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 demolition notice dated 13.2.2015 (Annexure P-11) issued by respondent No.4. Further, a writ of mandamus has also been sought directed the respondent not to demolish the house of the petitioners and release the same from acquisition.

2. The petitioners are owners of their respective houses constructed on an area of about 100 square yards situated in khasra Nos. 1339/2, 1325/1, khewat No. 114, khatauni No. 196. They have raised A-class construction on the aforesaid plots prior to the issuance of notification under Section 4 of the Land Acquisition Act, 1894 (in short

“the Act”). Government of Haryana vide notification dated 30.10.1992 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 28.10.1993 (Annexure P-4) under Section 6 of the Act acquired the land including the houses of the petitioners for the development of a sector. The award was passed on 26.10.1995. The petitioners filed representations dated 21.5.2003 (Annexure P-8) and dated 5.5.2014 (Annexure P-9) for the release of their houses from acquisition. However, no action was taken thereon. The petitioners are still in physical possession of the houses in question. No compensation has been paid to them. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioner are in physical possession of the house in dispute and compensation has not been paid to them. It was claimed that in such circumstances, in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the notifications under Sections 4 and 6 of the Act had lapsed. It was further submitted that the petitioners have moved representations dated 21.5.2003 (Annexure P-8) and dated 5.5.2014 (Annexure P-9) to the Chief Minister of Haryana for releasing the land in question but no action has so far been taken thereon. He, however, prayed that 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 and 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 one month 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.

(AJAY KUMAR MITTAL)
JUDGE

March 20, 2015
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(REKHA MITTAL)
JUDGE