

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3042 of 2015

Date of Decision: 20.3.2015

Champu Lal

....Petitioner.

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 petitioner.

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 petitioner has 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 directing the respondent not to demolish the house of the petitioner and release the same from acquisition.

2. The petitioner is owner of a house constructed on an area of 169.44 square yards bearing khewat No. 906, khatauni No. 1313, khasra No. 1320. He has raised A-class construction on the aforesaid plot 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-2) issued under Section 4 of the Act followed by notification dated 28.10.1993 (Annexure P-3) under Section 6 of the Act acquired the land including the house of the petitioner for the development of a sector. The award was passed on 26.10.1995. The petitioner filed representations dated 4.9.2002 (Annexure P-8) and dated 29.5.2013 (Annexure P-9) to respondent No.2 and the Chief Minister of Haryana, for the release of his house from acquisition. However, no action was taken thereon. The petitioner is still in physical possession of the house in question. No compensation has been paid to him. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the house in dispute and compensation has not been paid to him. 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 petitioner has moved representations dated 4.9.2002 (Annexure P-8) and dated 29.5.2013 (Annexure P-9) to respondent No.2 and 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 petitioner 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 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 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 him 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.

(AJAY KUMAR MITTAL)
JUDGE

March 20, 2015
gbs

(REKHA MITTAL)
JUDGE