

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 335 of 2015

Date of Decision: 25.3.2015

Ramnarayan and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Dhruv Madan, Advocate and
Mr. Aseem Nayyar, Advocate for the petitioners.

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 petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to release their land measuring 25 kanal 9 marlas situated within the revenue estate of village Sihi, Tehsil Ballabgarh, District Faridabad from acquisition 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"). Further, a direction has also been sought to the respondents to restore the exclusive title and bhumidari rights of the petitioners over the land in dispute. Further, a writ of mandamus has also been prayed directing the respondents to hand over the physical possession of the land in question to the petitioners.

2. As per the averments made in the petition, the petitioners are owners of land measuring 25 kanal 9 marlas situated at village Sihi, Hadbast No. 80, Tehsil Ballabgarh, District Faridabad. Their land along with others was acquired vide award dated 30.11.1971 (Annexure P-2). The possession of the said land was taken in the year 1971 but no compensation has been paid to the petitioners. According to the petitioners, 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 petitioners submitted that the possession of the land of the petitioners had been taken but compensation has not been paid to them. 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 demand notice claiming the relief as claimed in respect of lapse of notifications has been filed with the respondents, 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, 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 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 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 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.

(AJAY KUMAR MITTAL)
JUDGE

March 25, 2015
gbs

(REKHA MITTAL)
JUDGE