

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3663 of 2015

Date of Decision: 18.3.2015

Krishan Chander

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. R.S. Malik, Advocate for the petitioner.

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 18.10.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 and dated 18.9.2003 (Annexure P-3) under Section 6 of the Act 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. As per the averments made in the petition, the father of the petitioner was owner in possession of land measuring 3 kanal 8 marlas out of total land measuring 30 kanal 9 marlas situated within the revenue estate of village Revli, Tehsil and District Sonapat vide sale deed dated 4.3.2005 (Annexure P-1). Government of Haryana vide notification

dated 18.10.2002 (Annexure P-1) issued under Section 4 of the Act acquired land of the father of the petitioner as well as other land owners for a public purpose for the development of Sector 16, Sonapat. The said notification was followed by notification dated 8.9.2003 (Annexure P-3) under Section 6 of the Act. The award dated 5.9.2005 was passed by the Land Acquisition Collector, Sonapat. The father of the petitioner had expired on 6.3.2011. He had executed a registered Will dated 17.2.2011 (Annexure P-4) in favour of the petitioner regarding the land in question. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as he is still in physical possession of the land and has not received compensation till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner is in physical possession of the land 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 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 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 petitioner, 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 18, 2015
gbs

(REKHA MITTAL)
JUDGE