

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3969 of 2015

Date of Decision: 18.3.2015

Ramesh Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: None.

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 9.9.2002 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 8.9.2003 (Annexure P-6) under Section 6 of the Act vide which the constructed plot of the petitioner has been acquired. Further, a writ of mandamus has been sought directing the respondents to release the land of the petitioner in terms 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, direction has been sought to release the residential house of the petitioner measuring 750 square yards as per policy of the State Government dated 24.1.2011 (Annexure P-11).

2. The petitioner is owner and in possession of the residential house measuring 750 square yards. Government of Haryana vide issued notification dated 9.9.2002 (Annexure P-4) under Section 4 of the Act for acquisition of the land in question along with other for public purpose i.e. construction of new residential and commercial area. The petitioner filed objection dated 27.9.2002 (Annexure P-5) under Section 5-A of the Act. Thereafter, notification dated 8.9.2013 (Annexure P-6) under Section 6 of the Act was issued. After issuance of notification under Section 6 of the Act, some land was released from the acquisition. The Land Acquisition Collector passed award dated 6.9.2005 (Annexure P-7). The petitioner is in physical possession of the land in question till today and no compensation has been paid to him. The petitioner also sent a representation dated 14.5.2014 (Annexure P-10) to respondent No.2 for release of the house in question but no action has been taken thereon. Hence, the present writ petition.

3. A perusal of the writ petition shows that the petitioner is claiming to be in physical possession of the land in dispute and that compensation has not been paid to him. 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. A representation dated 14.5.2014 (Annexure P-10) was made to respondent No.2 for release of residential house of the petitioner measuring 750 square yards but no action has so far been taken thereon.

4. After 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