

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4748 of 2015

Date of Decision: 18.3.2015

Mukhtiar 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. M.S. Kathuria, Advocate for the petitioners.

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 notifications dated 9.8.1977 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.3.1978 under Section 6 of the Act and award dated 22.6.1978 (Annexure P-3) vide which the land of the petitioners was acquired for the development of disposal works area at Bahadurgarh, District Rohtak (now District Jhajjar). Further prayer has been made directing the respondents to release the land of the petitioners from the acquisition as the acquisition proceedings stands lapsed 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").

2. The petitioners are owners in possession of the land measuring 1 bigha 7 biswa 9 biswansi situated within the revenue estate of village Bahadurgarh, District Jhajjar. Government of Haryana issued a notification dated 9.8.1977 under Section 4 of the Act followed by notification dated 7.3.1978 under Section 6 of the Act for acquisition of land of village Bahadurgarh for the purpose of development and utilization of land as disposal works area. Notice dated 19.5.1978 (Annexure P-2) under Section 9 of the Act was issued to the petitioners. Award dated 22.6.1978 (Annexure P-3) was passed. After the passing of the award and even after the petitioners had also received the amount of compensation, no action had been taken in furtherance of the acquisition proceedings and they are still owners in possession of the suit land. They are also cultivating their land and growing different crops for the last so many years. 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 petitioners are in physical possession of the land 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 2013 Act, the notifications under Sections 4 and 6 of the Act had lapsed. It was further submitted that the petitioners have moved a representation dated 20.12.2014 (Annexure P-7) to respondent No.2 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 petitioners, 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 18, 2015
gbs

(REKHA MITTAL)
JUDGE