

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 485 of 2015

Date of Decision: 21.4.2015

Bal Kishan and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Lalit Kumar Yadav, Advocate for
Mr. Shilak Ram Hooda, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

Mr. Sourabh Goel, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. The petitioners have approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India, praying 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 (in short "the Act") and dated 8.9.2003 (Annexure P-6) under Section 6 of the Act vide which the land of the petitioners was acquired, 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 writ of prohibition has been sought prohibiting respondents No.1 to 4 from taking physical possession of the land of the petitioners as the

acquisition proceedings stand lapsed in view of Section 24(2) of the 2013 Act.

2. The petitioners are owners in possession of the land measuring 3 kanal 13 marlas situated within the revenue estate of village Garh Sahajhanpur. They have constructed their houses on the said land by making 'A' class construction. Government of Haryana vide notification dated 18.10.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 8.9.2003 (Annexure P-6) acquired the land of the petitioners. They raised objections but the land was not released. Initially, 172.10 acres of land was proposed to be acquired but only 165.62 acres of land was acquired. Certain adjoining land of the landowners was released by the respondents who have approached this Court by filing writ petitions. However, the land of the petitioner has not been released. According to the petitioners, the award was passed on 5.9.2005 and they are still in physical possession of the land in dispute. No compensation has been paid to them. Claim has been laid that 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 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. Till the matter is decided by the said authority, status quo shall be maintained by the parties.

(AJAY KUMAR MITTAL)
JUDGE

April 21, 2015
gbs

(SHEKHER DHAWAN)
JUDGE