

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4952 of 2015

Date of Decision: 19.3.2015

Neeraj Kumar

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjay Vashisth, 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 mandamus seeking declaration to the effect that the acquisition proceedings qua the land in question 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"). Further, prayer has been made for quashing the notifications dated 17.11.1982 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 10.12.1984 (Annexure P-5) under Section 6 of the Act and the award dated 21.9.1986 (Annexure P-7).
2. The petitioners are owners in possession qua their respective shares of the land measuring 10 kanal 4 marlas comprised in

khasra No. 8//20/3 and 21 Min situated with the revenue estate of village Silokhra, Tehsil and District Gurgaon. Government of Haryana vide notification dated 17.11.1982 (Annexure P-3) under Section 4 of the Act followed by notification dated 10.12.1984 (Annexure P-5) under Section 6 of the Act and award was passed on 21.9.1986 (Annexure P-7) for acquisition of land of the petitioners. The petitioners filed objections under Section 5-A of the Act on 14.12.1982 (Annexure P-4). When the said objections were not considered by the respondents, they filed another set of objections vide representation dated 17.1.1985 (Annexure P-6). They are still in physical possession of the land in question. No compensation has been paid to them. 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. No compensation has 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 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 19, 2015
gbs

(REKHA MITTAL)
JUDGE