

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5180 of 2015

Date of Decision: 20.3.2015

M/s Shanti Trading Co., Delhi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Kamal Sehgal, 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 17.11.2005 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.2.2006 (Annexure P-5) under Section 6 of the Act and the award dated 31.1.2008 vide which the land of the petitioner was acquired and 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").

2. As per the averments made in the petition, the petitioner-firm purchased the land situated within the revenue estate of village Badh Khalsa, Tehsil and District Sonapat on 9.8.2005 for setting up a

school as detailed in para 2 of the writ petition. Mutation dated 24.10.2005 (Annexure P-2) was sanctioned in its favour. Government of Haryana vide notification dated 17.11.2005 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 7.2.2006 (Annexure P-5) under Section 6 of the Act, acquired the land of the petitioner. The petitioner filed objection on 16.12.2005 (Annexure P-4). The Land Acquisition Collector, Sonapat passed award dated 31.1.2008. The petitioner is still in physical possession of the land in question and no compensation has been paid to it. According to the petitioner, 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 petitioner submitted that the petitioner is in physical possession of the house in dispute and compensation has not been paid to the petitioner. 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its 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 20, 2015
gbs

(REKHA MITTAL)
JUDGE