

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5272 of 2015

Date of Decision: 23.3.2015

Kishan Sahai and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Rajvir Singh, Advocate for
Mr. Virkam Singh, 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 9.6.2003 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 2.6.2004 (Annexure P-5) under Section 6 of the Act vide which the land of the petitioners has been acquired. Further, a writ of mandamus has been sought directing the respondents to release of the land of the petitioners 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. Government of Haryana issued notification dated 9.6.2003 (Annexure P-4) under Section 4 of the Act followed by notification dated

2.6.2004 (Annexure P-5) under Section 6 of the Act for acquisition of land of the petitioners for the public purpose for the development and utilization of land for residential, commercial, institutional and open spaces/recreational area in Gurgaon. They have submitted various representations for release of their houses but no action was taken. Thereafter, the petitioners submitted a representation dated 20.12.2014 (Annexure P-6) to respondent No.1 for release of their land in view of Section 24(2) of the 2013 Act as they were in actual physical possession of the land in dispute but no action has been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioner 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 various representations including representation dated 20.11.2012 (Annexure P-6) to respondent No.1 for releasing the land in question but no action has so far been taken thereon. They, 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 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

March 23, 2015
gbs

(REKHA MITTAL)
JUDGE