

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5448 of 2015

Date of Decision: 24.3.2015

Pirithi Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Pankaj Jain, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner, by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 9.11.1982 (Annexure P-2) issued under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 (in short "the Act") and dated 10.11.1982 (Annexure P-3) under Section 6 of the Act vide which his land has been acquired on the ground of acquisition having lapsed 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").

2. As per the averments made in the petition, the petitioner is co-owner in possession of land measuring 7 bigha 15 biswas situated within the revenue estate of village Kotia, Tehsil Kalka, District

Panchkula. Government of Haryana issued a notification dated 9.11.1982 (Annexure P-2) under Section 4 read with Section 17(1) of the Act followed by notification dated 10.11.1982 (Annexure P-3) under Section 6 of the Act for acquisition of 8.28 acres of land including the land of the petitioner for the public purpose for the development and utilization of land for water sources for urban estates Panchkula area. The award was passed on 4.4.1983 (Annexure P-4). The petitioner is still in physical possession of the land in question. No compensation has been paid to him. 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 land in dispute and no compensation has been paid to him. 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 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 him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his 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 24, 2015
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(REKHA MITTAL)
JUDGE