

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5460 of 2015

Date of Decision: 24.3.2015

M/s Anmol Spinners, Panipat 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. A.K. Chopra, Senior Advocate with
Mr. Harminder Singh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondents not to take the possession of land measuring 3 bigha 17 biswa owned and possessed by the petitioners as the acquisition proceedings sought to be undertaken vide notifications dated 2.3.1993 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 1.3.1994 (Annexure P-3) under Section 6 of the Act have 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").

2. As per the averments made in the petition, petitioners No.2 and 3 jointly purchased land measuring 5 bighas being 1/3rd share of 15

bigha 1 biswa comprising in khasra Nos. 3673 (1-0), 3674 (3-9), 3675/1 (0-11) situated within the revenue estate of Patti Taraf, Insar, Panipat vide two registered sale deeds dated 25.8.1987. Mutation Nos. 9453 and 9454 were duly sanctioned in their favour. After purchase, petitioners No.2 and 3 raised 'A' class construction of boundary wall over the entire land having an area of 5040 square yards and built a constructed area of 7020 square feet. Government of Haryana issued a notification dated 2.3.1993 (Annexure P-2) under Section 4 of the Act for acquiring 207.16 acres of land for the development and utilization of the same as residential, commercial and institutional for sector 18, Panipat. The petitioners filed objections under Section 5-A of the Act on 8.4.1993. Thereafter, notification dated 1.3.1994 (Annexure P-3) was issued under Section 6 of the Act. 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 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 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 24, 2015
gbs

(REKHA MITTAL)
JUDGE