

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 550 of 2015

Date of Decision: 26.3.2015

J.M. Oberoi and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Divay Sarup, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Yogesh Saini, Advocate for
Mr. Pritam Saini, Advocate for respondent No.3.

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 25.1.2006 (Annexure P-6) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 6.10.2006 (Annexure P-7) under Section 6 of the Act and the award dated 5.2.2007 (Annexure P-10). Further, a writ of mandamus has been sought declaring the acquisition proceedings to 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, petitioner No.1

purchased plot No.2 measuring 949 square yards and petitioner No.2 also purchased plot No.2 measuring 700 square yards situated within the revenue estate of Mauza Kutana, Tehsil and District Rohtak, vide registered sale deeds dated 8/10.3.2004 and dated 9.3.2004 (Annexures P-1 and P-2, respectively). The petitioners deposited a sum of ₹ 91,110/- vide receipt dated 3.5.2005 (Annexure P-3) on account of development charges, malba fees and security etc. with the M.C. Rohtak who sent a letter dated 25.11.2005 (Annexure P-4) to the District Town Planner, Rohtak for approval. They also raised construction of boundary wall over their plots. Government of Haryana vide notification dated 25.1.2006 (Annexure P-6) issued under Section 4 of the Act followed by notification dated 6.10.2006 (Annexure P-7) acquired the plots of the petitioners and others for setting up of the Industrial Estate, Rohtak to be planned and developed as an integrated complex for industrial, other public utilities etc. The petitioners made a representation dated 6.11.2006 (Annexure P-8) for redressal of their grievances. The Land Acquisition Collector, Rohtak vide letter dated 22.12.2006/2.1.2007 (Annexure P-9) released the area of the petitioners along with others. In the meantime, the award was passed on 5.2.2007 (Annexure P-10). The petitioners are in physical possession of the plots in question and no compensation has been paid. According to them, the notifications under Sections 4 and 6 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 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 has moved a representation dated 6.11.2006 (Annexure P-8) to the respondents for releasing the land in question but no action has so far been taken thereon. He, 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 parties, 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 26, 2015
gbs

(REKHA MITTAL)
JUDGE