

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5500 of 2015

Date of Decision: 25.3.2015

Hari Parkash

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Suman Jain, 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 notification dated 17.11.2005 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 7.2.2006 under Section 6 of the Act 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 purchased land measuring 3 kanal 17 marlas vide registered sale deed dated 28.4.1997 (3/5th share of the total land measuring 6 kanal 8 marlas) situated within the revenue estate of village Badhkhalsa, Tehsil and District Sonapat. On the basis of said sale deed, mutation dated

15.1.1988 (Annexure P-1) was sanctioned in favour of the petitioner. Government of Haryana issued a notification dated 17.11.2005 (Annexure P-4) under Section 4 of the Act acquiring the land of the petitioner. The petitioner filed objection under Section 5-A of the Act before respondent No.2. The said objection was rejected by respondent No.2 and declaration dated 7.2.2006 under Section 6 of the Act was issued acquiring the land of the petitioner along with others for the public purpose for the development and utilization of the land for residential, commercial and institutional sectors 65 to 68 at Sonapat. The award was passed on 2.3.2006. In SLP No. 14408 of 2011, an application, Annexure P-5, was filed claiming benefit of Section 24(2) of the 2013 Act. In para 8 thereof, it was specifically claimed that the petitioner is in physical possession of the land in question till date and no compensation has been paid to him. The Supreme Court vide order dated 24.2.2015 (Annexure P-6), had granted liberty to the petitioner to claim necessary relief before the appropriate authority/forum/High Court. 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 compensation has not 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 25, 2015
gbs

(REKHA MITTAL)
JUDGE