

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5516 of 2015

Date of Decision: 25.3.2015

Manav Seva Trust, Panchkula

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajiv Dhawan, 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 notifications dated 16.3.1999 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), notification dated 15.3.2000 under Section 6 of the Act and the award dated 14.7.2008 (Annexure P-3) 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. The petitioner-Trust purchased land measuring 82 marlas in village Saketri, District Panchkula and constructed an old age home over there. The said land was included in the notification dated 16.3.1999 (Annexure P-1) issued under Section 4 of the Act for public purpose for

the development of residential, commercial, institutional and recreational complex in Sectors 1, 3, 5B, 5C and 6, Panchkula. Objections dated 16.4.1999 (Annexure P-4) were filed under Section 5-A of the Act. Respondent No.1 instead of deciding the objections, issued declaration dated 15.3.2000 (Annexure P-2) under Section 6 of the Act. The award was passed on 9.10.2003 (Annexure P-5) with regard to the land of the petitioner only and thereafter supplementary award was passed on 14.7.2008 (Annexure P-3) with regard to structures. The Trust is still in physical possession of the land in question. No compensation has been paid to it. 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 it. 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its 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
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(REKHA MITTAL)
JUDGE