

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5716 of 2015

Date of Decision: 27.3.2015

Ravinder and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. M.L. Sharma, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 17.9.2004 (Annexure P-6) issued under Section 4 read with Section 17(2)(c) of the Land Acquisition Act, 1894 (in short "the Act"), dated 27.10.2004 (Annexure P-7) under Section 6 of the Act and the award dated 9.3.2006 (Annexure P-8) vide which the land of the petitioners was acquired, 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, the land of the petitioners to the extent of their share situated within the revenue estate of village Lakhnauwal, Tehsil and District Gurgaon as detailed in para 2 of

the petition was acquired by Government of Haryana vide notification dated 17.9.2004 (Annexure P-6) under Section 4 read with Section 17(2) (c) of the Act followed by notification dated 27.10.2004 (Annexure P-7) under Section 6 of the Act. The award was passed on 9.3.2006 (Annexure P-8). They have submitted various representations for release of their houses but no action was taken. Thereafter, the petitioners submitted a representation dated 4.9.2014 (Annexure P-13) to respondent No.1 for release of their land in view of Section 24(2) of the 2013 Act as they were in actual physical possession of the land in dispute and no compensation was paid to them, but no action has been taken thereon. 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 have moved various representations including representation dated 4.9.2014 (Annexure P-13) to respondent No.1 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 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 27, 2015
gbs

(REKHA MITTAL)
JUDGE