

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5801 of 2015

Date of Decision: 27.3.2015

Satbir Singh 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. Abishek Yadav, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this 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 27.1.2003 (Annexure P-2) issued under Section 4 f the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-3) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-9) vide which the land of the petitioners was acquired; for quashing the letter dated 19.1.2006 (Annexure P-4) issued by respondent No.5 vide which 4.08 acres of land has been released in favour of the private persons; for quashing notification dated 27.3.2006 (Annexure P-8) issued under Section 48 of the Act; for quashing the acquisition proceedings qua the land of the petitioners on the ground of having lapsed 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 petitioners are co-owner/co-sharer in possession of land having 8/1937 share, i.e. 8 marlas, i.e. 257 square yards situated in village Dhaliawas, Tehsil and District Rewari. They have constructed shops on the land in question. Respondent No.2 issued a notification dated 27.1.2003 (Annexure P-2) under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-3) under Section 6 of the Act. The petitioners filed objections under Section 5-A of the Act. After the issuance of notification dated 23.1.2004 (Annexure P-3), respondent No.4 released 4.08 acres of land in favour of the private persons. Government of Haryana had also released some other land relating to village Rewari and Dhaliawas near about 70 acres by issuing notification dated 27.3.2006 (Annexure P-8) under Section 48 of the Act. The award was passed on 20.1.2006 (Annexure P-6). 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 houses 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 27, 2015
gbs

(REKHA MITTAL)
JUDGE