

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5968 of 2015

Date of Decision: 31.3.2015

Dinesh Kumar 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. Manoj Kaushik, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondents to release their share in the land detailed in the jamabandi (Annexue P-2) situated within the revenue estate of village Kadipur, Tehsil and District Gurgaon acquired under the provisions of the Land Acquisition Act, 1894 (in short "the Act") vide award dated 5.3.1992 (Annexure P-1) as they and their other family members have continued to be in actual and physical possession till date as the acquisition 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 predecessor-

in-interest of the petitioners were recorded as as owners in possession of the land comprised in khewat No. 26/78, khatauni No. 918, khasra Nos. 5//4 (8-0), 5/2 (1-2), 6/1(2-9), (2-8), 7/1 (4-0) situated within the revenue estate of village Kadipur, Tehsil and District Gurgaon. The petitioners and their family members have been continuously in possession of the land in question. Their land was acquired vide notification dated 8.3.1989 issued under Section 4 of the Act followed by notification dated 7.3.1990 under Section 6 of the Act. The award was passed on 5.3.1992 (Annexure P-1). The petitioners are still in physical possession of the land in question. They have submitted a representation dated 25.9.2014 (Annexure P-3) to respondent No.1 for release of their land from acquisition in view of Section 24(2) of the 2013 Act but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute. It was further submitted that the petitioners are ready and willing to pay back the compensation along with interest received by their predecessor/ ancestors. They have moved a representation dated 25.9.2014 (Annexure P-3) to respondent No.1 for the release of their land from acquisition as per the provisions of the 2013 Act, but no response has been received till date. 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 31, 2015
gbs

(REKHA MITTAL)
JUDGE