

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5969 of 2015

Date of Decision: 31.3.2015

Satish Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. S.S. Khurana, 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 acquisition proceedings in pursuance to the notifications dated 27.1.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 23.1.2004 (Annexure P-4) under Section 6 of the Act vide which the land of the petitioner measuring 3 kanal 11 marlas situated within the revenue estate of village Piwra, Tehsil and District Rewari was acquired as the same have 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 petitioner is owner of the land in question. Government of Haryana issued a

notification dated 27.1.2003 (Annexure P-3) under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-4) under Section 6 of the Act for acquisition of land including the land of the petitioner for the development and utilization of land as residential and commercial, Sectors 18, 19 and 20 Part, commercial Sector 17 part at Rewari. The petitioner filed objection under Section 5-A of the Act and the award was passed on 20.1.2006. The petitioner and others filed CWP No. 21698 of 2008 challenging the said acquisition proceedings. The said writ petition was allowed vide order dated 19.8.2013 (Annexure P-5) directing the respondents to release the residential houses of the petitioners therein in entirety along with reasonable vacant area to enable them to properly enjoy their properties. After the passing of the award on 20.1.2006, the physical possession of the land has not been taken by the respondents and complete compensation in pursuance thereto has not been paid. 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 complete 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 31, 2015
gbs

(REKHA MITTAL)
JUDGE