

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6067 of 2015

Date of Decision: 1.4.2015

Puran Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sanjay Vashisth, 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 declaring release his land as described in para 3 of the petition as the notifications dated 30.3.1990 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 27.3.1991 (Annexure P-5) under Section 6 of the Act and the award dated 24.3.1993 (Annexure P-6) qua his land stands 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. The petitioners owned the land falling in mustil No. 18//7/2/2/2 (5-11) and is in exclusive possession after its mutual partition with the shareholders. Previously, his father was the shareholder in khasra No. 18//7(8-0) but subsequently the said area was demarcated and fallen to the share of the petitioner as rest of the area had fallen for gair mumkin rasta. The area of 2 kanal was left out of acquisition being

constructed and the petitioner is left with the ownership and possession of 5 kanal 11 marlas. Government of Haryana issued a notification dated 30.3.1990 (Annexure P-4) under Section 4 of the Act followed by notification dated 27.3.1991 (Annexure P-5) under Section 6 of the Act for acquisition of land for the development and utilization of the land for residential, commercial and institutional area at Rewari. The award was passed on 24.3.1993 (Annexure P-6). The father of the petitioner along with other shareholders filed CWP No. 2764 of 1993 challenging the acquisition of the land falling in khewat No. 32, rectangle No.16, killa No. ½ (4-16), rectangle No. 17, killa No. 15(8-0), khewat No.33, rectangle No.18, killa No. 7 (8-0) situated within the revenue estate of village Piwra, Tehsil and District Rewari and khewat No. 773, rectangle No. 211, killa No. 12(8-0) situated in the revenue estate of village Rewari, Tehsil and District Rewari. The said writ petition was disposed of vide order dated 13.7.1998 (Annexure P-7) in terms of order dated 13.7.1998 (Annexure P-8) passed in CWP No. 6789 of 1993 which had already been disposed of in terms of order dated 5.1.1995 (Annexure P-9) passed in CWP No. 4514 of 1994. In all the writ petitions, the land of the concerned land owners was ordered to be released in the eventuality of non-acquiring the land of other land owners. He is still in physical possession of the land in question. No compensation has been paid to him. 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 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

April 1, 2015
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(REKHA MITTAL)
JUDGE