

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6297 of 2015

Date of Decision: 6.4.2015

Dharambir Bhambu 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. Ajay Kaushik, 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 mandamus declaring and holding the acquisition proceedings initiated vide notifications dated 16.3.1999 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 15.3.2000 (Annexure P-2) under Section 6 of the Act qua the land of the petitioners situated in village Saketri, District Panchkula, deemed to 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"). Further, a prayer has been made for quashing the order dated 3.11.2014 (Annexure P-7).

2. The petitioners purchased plots of land measuring 3 marlas

to 10 marlas from the landowners in village Saketri, Tehsil and District Panchkula and most of them have constructed their residential houses on their respective plots. State of Haryana vide notification dated 16.3.1999 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 15.3.2000 (Annexure P-2) under Section 6 of the Act for acquisition of land for the development and utilization as residential, commercial, institutional area, recreational in Sectors 1, 2, 5-B, 5-C and 6. The petitioners filed objections under Section 5-A of the Act. The respondents vide order dated 5.9.1998 released a part of the land. Claim of the petitioners for release of land in terms of Section 24(2) of the 2013 Act was not being accepted by the respondents. Hence, the present writ petition.

3. Learned counsel for the petitioners claimed that 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 had moved representations dated 12.10.2011 (Annexures P-5 and P-6) 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

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE