

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7597 of 2014

Date of Decision: 5.5.2015

Gobind Deen Dayal 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. N.D. Achint, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

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 16.12.1988 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 14.12.1989 (Annexure P-5) under Section 6 of the Act and the award dated 26.3.1992 (Annexure P-6) qua their land situated in village Khandsa, District Gurgaon 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 are in possession of the land measuring 6 biswa to the extent of 4/9 shares situated at village Khandsa, Tehsil and

District Gurgaon. Government of Haryana vide notification dated 16.12.1988 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 14.12.1989 (Annexure P-5) under Section 6 of the Act acquired the land of the petitioners. The petitioners filed objections under Section 5-A of the Act. The award was passed on 26.3.1992 (Annexure P-6). The father of the petitioners received compensation on 17.6.1992. The houses of the petitioners are situated in the adjoining area of village Khandsa abadi and there are nine unauthorized colonies adjoining village Khandsa. Government of Haryana vide letter dated 16.9.2010 (Annexure P-9) declared the regularization of unauthorized colonies of Gurgaon including the area around Khandsa village abadi where the property of the petitioners is situated. The respondents released the topographic survey of unauthorized colonies existing on 1.7.2009 and as per the site plan (Annexure P-10) sanctioned by the District Town Planner and other authorized signatories, the property of the petitioners which is part of unauthorized colony existing on 1.7.2009 has been regularized by the respondents on 16.9.2010. Thereafter, respondent No.1 issued notification dated 4.10.2013 (Annexure P-11) declaring the area around village Khandsa as specified in schedule given in the said notification to be the civic amenities and infrastructure deficient area. Since the colony regularized is declared as civic amenities and infrastructure deficient colony and the respondents are proceeding to provide all civic amenities to the area around Khandsa village, therefore, there is no reason for taking possession of the residential houses and plots situated in the said colonies including that of the petitioners as shown in khasra No. 670 min. The petitioners are still in physical possession of the land in question. They are ready to re-deposit the

amount of compensation received by their father along with interest. 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 still in physical possession of the land in dispute and they are ready to re-deposit the amount of compensation received by their father along with interest. 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 parties, 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. It is, however, made clear that in case no such representation is filed within the stipulated period as noticed above, the interim order shall cease to operate, thereafter.

(AJAY KUMAR MITTAL)
JUDGE

May 5, 2015
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(REKHA MITTAL)
JUDGE