

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6671 of 2015

Date of Decision: 9.4.2015

Satpal Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. B.S. Giri, Advocate for
Mr. P.K. Mutneja, 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 directing the respondents to not to take possession of property which is a running industry of the petitioners in terms 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") whereby the acquisition proceedings stand lapsed. Further, a direction has been sought directing the respondents to not to take any coercive steps to dispossess the petitioners from the land in question.

2. The petitioners are co-owners of the land measuring 1 kanal situated within the revenue estate of village Kheri Nangal, Tehsil and District Panipat vide sale deed dated 16.7.1998 and are running a

dyeing unit thereon. State of Haryana issued a notification dated 12.9.2001 (Annexure P-2) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 1.3.2002 under Section 6 of the Act for acquisition of 172.72 acres of land in Taraf Afghan, Hadbast No.17, 182.15 acres of land in Kheri Nangal, Hadbast No. 31, 61.09 acres of land in Risalu, Hadbast No.18 and 182.5 acres of land in Kheri Nangal, Hadbast No.31 for the public purpose for setting up Sector 29, Part-II, Panipat. The petitioners filed objections under Section 5-A of the Act. The award was passed on 11.4.2002 (Annexure P-4). According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as they are still in physical possession of the land in question and no compensation has been paid to them. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute and no compensation has been paid to them. 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 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 9, 2015
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(REKHA MITTAL)
JUDGE