

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6687 of 2015

Date of Decision: 9.4.2015

Ram Kishan 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. S.S. Malik, 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 certiorari for quashing the notifications dated 29.11.2001 and dated 28.11.2002 (Annexure P-1) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short “the Act”) for acquisition of the land for developing residential and commercial Sector 58 at Sonipat and for quashing the notification issued for acquiring the land for developing of Sectors 59-60 of District Sonipat including the land of the petitioners as the said acquisition proceedings 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. The petitioners are owners in possession of the land as detailed in paras 2 and 3 of the writ petition. State of Haryana issued a

notification dated 29.11.2001 under Section 4 of the Act followed by notification dated 28.11.2002 (Annexure P-1) under Section 6 of the Act for acquisition of the land of the petitioners for developing residential and commercial sector 58, Sonipat. Thereafter, another notification was issued in 2004 for developing Sectors 59-60, Sonipat acquiring the land of the petitioners comprised in khasra No. 73, killa Nos. 14 and 18/2/2. In the present case, the Land Acquisition Collector has only shown the symbolic possession of 298.42 acres of land out of 463.32 acres of land of village Nangal Kalan including a major chunk of the land of the petitioners in the papers for which notification dated 28.11.2002 (Annexure P-1) was issued. 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
gbs

(REKHA MITTAL)
JUDGE