

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6744 of 2015

Date of Decision: 9.4.2015

Krishan Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner, by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 5.3.1990 and dated 28.2.1991 (Annexure P-7 colly) issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short “the Act”) and the award dated 22.2.1993 (Annexure P-7/A) qua the land of the petitioner.

2. The petitioner is owner in possession of the land measuring 40 kanals 2 marlas situated in Patti Kaisth Seth, Tehsil and District Kaithal. The petitioner constructed a poultry farm by raising double storey building by obtaining loan thereon. Government of Haryana earlier issued a notification dated 14.7.1982 (Annexure P-5) under Section 4 of the Act for acquiring the land in question for the development and utilization of the land as residential and commercial area for Sectors 19

and 20. Since the land in question was situated at a very low lying area, the acquisition proceedings were dropped. Thereafter, the State of Haryana issued a notification dated 8.7.1985 (Annexure P-6) under Section 6 of the Act for acquisition of the land in dispute in pursuance to notification dated 14.7.1982 (Annexure P-5) and the area being low lying, amenable to flood etc. the acquisition proceedings were dropped. After that, State of Government has issued a notifications dated 5.3.1990 and 28.2.1991 (Annexure P-7 Colly) under Sections 4 and 6 of the Act for acquiring the land in question for the public purpose, namely, for the development and utilization of land as residential, commercial and institutional area for Sector 21, Kaithal. The award was passed on 22.2.1993 (Annexure P-7/A). According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as he is still in actual physical possession of the land in dispute and no compensation has been paid to him. 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 the petitioner sent a letter dated 1.1.2014 (Annexure P-9) followed by reminder dated 20.1.2014 (Annexure P-10) to the authorities for releasing the land in question but no action has so far been taken thereon. He, however, prayed that 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 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 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 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 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 9, 2015
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(REKHA MITTAL)
JUDGE