

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6822 of 2015

Date of Decision: 10.4.2015

Raj Kumar 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. Navneet Singh, 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 22.6.2006 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 20.6.2007 (Annexure P-2) under Section 6 of the Act qua their land.

2. The petitioners are owners in possession of the land measuring 5 kanal 16 marlas situated in village Jatheri, Tehsil and District Sonapat which they have purchased vide sale deed dated 18.4.1988 for construction of their houses. Government of Haryana vide notification dated 22.2.2006 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 20.6.2007 (Annexure P-3) under Section 6 of the Act, acquired the land of village Badh Malik, Jatheri,

Liwan, Pritampura and Rai measuring 3813 kanal 17 marlas including the land of the petitioners for the development and utilization of land as industrial sector 38, Sonapat. The petitioners constructed their house on 753 square yards and the Government relapsed only 212 square yards of the construction portion and the vacant land was released. The award was passed on 28.11.2008. The petitioners are still in physical possession of the land in dispute. No compensation has been paid to them. According to the petitioners, the 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"). Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute. 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 10, 2015
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(REKHA MITTAL)
JUDGE