

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6857 of 2015

Date of Decision: 10.4.2015

Sukhpal 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. V.K. Jindal, Senior Advocate with
Mr. Maninder Singh Punia, 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 4.4.1998 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 6.4.1998 (Annexure P-3) under Section 6 having 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 owners of a big chunk of land situated in village Basai, Tehsil and District Gurgaon. Government of Haryana vide notification dated 4.4.1998 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 6.4.1998 (Annexure P-3) under Section 6 of the Act, acquired the land for the public purpose, i.e. for the

development and utilization of the land for constructions of service road and lying of master services between sectors 9 and 10, Gurgaon. The respondents issued a notification under the urgency clause on 1.5.1998 (Annexure P-4) under Section 17(1) of the amended Act. The award was passed on 15.7.1999 (Annexure P-5). The petitioners filed CWP No. 12519 of 2013 for quashing the notifications issued under Sections 4 and 6 of the Act. The said writ petition was dismissed as withdrawn by this Court vide order dated 30.5.2013 (Annexure P-7) with a direction that in case the representation is filed by the petitioners with the respondents, the respondents shall decide the same expeditiously. In pursuance thereof, the petitioners filed a representation dated 1.7.2013 (Annexure P-8) and thereafter sent a legal notice dated 6.3.2014 (Annexure P-9). The said representation was rejected by the Land Acquisition Collector, Gurgaon vide order dated 5.11.2013 (Annexure P-10). 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 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
gbs

(REKHA MITTAL)
JUDGE