

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 690 of 2015

Date of Decision: 7.7.2015

Smt. Krishna

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shilak Ram Hooda, Advocate for the petitioner.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

Mr. Padamkant Dwivedi, Advocate for
respondents No.2 to 4.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 4.1.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 31.12.2002 (Annexure P-4) under Section 6 of the Act qua her property situated in Sector 4, Urban Estate, Rohtak, 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 petitioner is owner of land measuring 491 square yards situated within the revenue estate of village Bohar, Hadbast No. 68,

Tehsil and District Rohtak purchased vide registered sale deed dated 15.3.2000 and mutation thereof was sanctioned in her name. Government of Haryana vide notification dated 4.1.2002 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 31.12.2002 (Annexure P-4) under Section 6 of the Act, acquired the land including the land of the petitioner for the development and utilization of land as residential, transport and communication, Sectors 4 and 5, Urban Estate, Rohtak. The petitioner filed objections (Annexure P-3) under Section 5-A of the Act. The award was passed on 29.12.2004 (Annexure P-5). The respondents vide release order dated 3.11.2006 released acquired land of more than 100 landowners. The petitioner made a representation dated 14.2.2007 (Annexure P-7) to the Chief Minister of Haryana for the release of her land. She also made representations dated 10.5.2010 (Annexure P-8) and 25.2.2014 (Annexure P-9) to the Administrator HUDA, Rohtak for release of her land. Respondent No.2 vide letter dated 10.7.2014 (Annexure P-10) sought details of the lands where construction had existed at the time of issuance of notification under Section 4 of the Act. In pursuance thereto, respondent No.4 vide letter dated 16.7.2014 (Annexure P-11) intimated to the Administrator, HUDA, Rohtak that the petitioner had filed objections under Section 5-A of the Act regarding release of her land and the award of the same stands already promulgated on 29.12.2004, she has not received any compensation amount in lieu of her acquired land till date and two rooms and boundary wall are built in the plot at spot. The Administrator, HUDA, Rohtak vide letter dated 17.7.2014 (Annexure P-12) sought report regarding release of land of the petitioner from the District Town Planner, Rohtak. The petitioner vide representation dated

8.8.2014 (Annexure P-13) requested to the Chief Minister, Haryana for the release of her land, but to no effect. The Additional Director, Urban Estate Department, Haryana, Panchkula issued guidelines dated 3.11.2006 (Annexure P-14) for release of land/houses in Sectors 4, 5 and 6, Rohtak from acquisition. On the basis of said guidelines, the house of the petitioner was liable to be released from acquisition. The petitioner is still in physical possession of the land in question. No compensation has been paid to her. According to the petitioner, 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 petitioner submitted that the petitioner is still in physical possession of the land in question and compensation has not been paid to her. 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 petitioner 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 parties, 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 petitioner 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her claim before the concerned authority. It is, however, made clear that in case no such representation is filed within the stipulated period as noticed above, the interim order shall cease to operate, thereafter.

(AJAY KUMAR MITTAL)
JUDGE

July 7, 2015
gbs

(REKHA MITTAL)
JUDGE