

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7248 of 2015

Date of Decision: 21.4.2015

Satbir Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Dr. Surya Parkash, Advocate for the petitioner.

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 mandamus seeking direction to the effect that the acquisition process issued vide notifications dated 27.1.2003 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 23.1.2004 (Annexure P-2) under Section 6 of the Act and the award dated 20.1.2006 (Annexure P-3) shall be deemed to have lapsed qua the land of the petitioner 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. As per the averments made in the petition, the petitioner purchased a 10 marla plot vide registered sale deed dated 27.6.1996 (Annexure P-4) in which he is having 10/152 share. He had raised A-

class construction over the said plot. Government of Haryana issued a notification dated 27.1.2003 (Annexure P-1) under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-2) under Section 6 of the Act for acquisition of land in villages Chandpur, Piwra, Pandniawas, Dhaliawas, Rewari and Knsiwas, Tehsil and District Rewari, including the land of the petitioner for the development of residential and commercial of Sectors 18, 19 and 20 Part, commercial Sector 17 Part at Rewari. The petitioner filed objections on 13.2.2005 (Annexure P-5). The award was passed on 20.1.2006 (Annexure P-3). The petitioner along with others challenged the said notifications by way of CWP No. 690 of 2006. This Court vide order dated 14.2.2006 (Annexure P-7) dismissed the said writ petition. He is still in physical possession of the land in question. No compensation has been paid to him. 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 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 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 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 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 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 21, 2015
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(SHEKHER DHAWAN)
JUDGE