

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7432 of 2015

Date of Decision: 23.4.2015

Dinesh Kumar and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sudhir Mittal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the 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 3.8.2006 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 14.6.2007 (Annexure P-5) under Section 6 of the Act and the award dated 14.2.2008, qua the land of the petitioners.

2. The petitioners purchased a plot measuring 150 square yards situated in village Kassar, Tehsil Bahadurgarh, District Jhajjar vide registered sale deed dated 22.3.2004 (Annexure P-1). Respondent No.1 vide notification dated 3.8.2006 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 14.6.2007 (Annexure P-5) under Section 6 of the Act, acquired the land of villages Sadpur and Kassar for

the public purpose of establishment of industrial estate. The petitioners filed objections under Section 5-A of the Act on 21.8.2006 (Annexure P-4). Notice dated 29.1.2008 under Section 9 of the Act was issued to the petitioners. The award was passed on 14.2.2008. Earlier, the petitioners challenged the acquisition proceedings by filing CWP No. 16935 of 2009 which was disposed of by this Court vide order dated 15.3.2010 (Annexure P-7) with a direction that the respondents would remain bound by the statement made in the affidavit dated 9.3.2010 for granting passage and consideration of the claim of the petitioners for allotment of plot. The petitioners are still in physical possession of the land in dispute. 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. 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 23, 2015
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(REKHA MITTAL)
JUDGE