

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7531 of 2015

Date of Decision: 23.4.2015

Dharam Singh 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. Arun Gupta, Advocate for
Mr. Ranjit Saini, 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 16.12.1988 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 14.12.1989 (Annexure P-3) under Section 6 of the Act and the award dated 22.11.2005 (Annexure P-4) vide which their land was acquired and prohibiting the respondents from taking possession of the land in question as the acquisition proceedings qua the land of the petitioners 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”).

2. The petitioners are joint land owners and in actual and

continuous physical possession of the undivided land measuring about 2 bigha 4 biswas comprised in kharas No. 696/3 situated at village Khandsa, Tehsil and District Gurgaon. Government of Haryana vide notification dated 16.12.1988 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 14.12.1989 (Annexure P-3) under Section 6 of the Act, acquired the land for the public purpose, i.e. for the development and utilization of land for industrial area, Sector 37, Gurgaon. The award was passed on 22.11.2005 (Annexure P-4). The petitioners challenged the said notifications by way of CWP No. 18125 of 2005 and this Court vide order dated 15.3.2008 (Annexure P-5) dismissed the same. Against the said order dated 15.3.2008, the petitioners filed Civil Appeal No. 2175 of 2009 and the Supreme Court vide order dated 19.2.2015 (Annexure P-6) disposed of the appeal by permitting the petitioners to initiate the appropriate proceeding in the appropriate forum seeking the benefit of Section 24(2) of the 2013 Act. Petitioners No.25 and 26 purchased the land in question from the other petitioners and filed CWP No. 10281 of 2007 which was dismissed by this Court against which they filed Civil Appeal No. 2177 of 2009 which was also dismissed by the Supreme Court vide order dated 5.11.2015 (Annexure P-7). The petitioners are still in physical possession of the land in dispute and no compensation has been disbursed to them as the same is lying in the account of respondent No.3. 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 and the compensation has not been paid to them as the same is lying with

respondent No.3. 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
gbs

(REKHA MITTAL)
JUDGE