

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7538 of 2015

Date of Decision: 23.4.2015

Rajinder 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. Sarvjit Singh Khurana, 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 acquisition proceedings in pursuance to notifications dated 27.1.2003 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.1.2004 (Annexure P-4) under Section 6 of the Act and all subsequent proceedings thereto vide which the land of the petitioners situated within the revenue estate of village Dhaliyawas, Tehsil and District Rewari has been acquired, 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 are owners in possession of the land, as detailed in para 2 of the writ petition, situated within the revenue estate

of village Dhaliyawas, District Rewari and have constructed a house with 'A' class construction. Government of Haryana vide notification dated 27.1.2003 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 23.1.2004 (Annexure P-4) under Section 6 of the Act, acquired the land for the development and utilization of land as residential and commercial Sectors 18, 19 and 20 Part, commercial Sector 17 Part, Rewari. The petitioners filed objection under Section 5-A of the Act on 23.1.2004. The award was passed on 20.1.2006. Petitioners No.1 to 3 along with others filed CWP No. 972 of 2006 challenging the above said notifications. This Court vide order dated 14.2.2008 (Annexure P-5) dismissed the said writ petition in view of the order dated 17.12.2007 (Annexure P-6) passed in CWP No. 732 of 2006. The petitioners are still in physical possession of the land in dispute and 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 and the compensation has not 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 23, 2015
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(REKHA MITTAL)
JUDGE