

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8962 of 2014

Date of Decision: 24.3.2015

Partap 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. Sandeep Sharma, Advocate for the petitioners.

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

Mr. Rishi Pal, Advocate for
Mr. Partap Singh, Advocate for respondent No.3.

AJAY KUMAR MITTAL, J.

1. Reply filed on behalf of respondent No.3 today in Court is taken on record.

2. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 3.1.2008 (Annexure P-2) issued under Section 4 read with Section 17(2)(c) of the Land Acquisition Act, 1894 (in short "the Act") and dated 4.1.2008 (Annexure P-3) under Section 6 of the Act vide which the land of the petitioners has been acquired. Further, a writ of mandamus has been sought directing the respondents to release their land 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").

3. As per the averments made in the petition, the petitioners are owners in possession of the land measuring 3 kanal 7 marlas situated within the revenue estate of village Jatauli, Tehsil Pataudi. The respondents issued a notification dated 3.1.2008 (Annexure P-1) under Section 4 read with Section 17(2)(c) of the Land Act. The petitioners filed objections under Section 5-A of the Act. Thereafter, notification dated 4.1.2008 (Annexure P-3) under Section 6 of the Act was issued. The respondents earlier acquired the land in village Jatauli, Tehsil Pataudi for the purpose of construction of New Grain and Vegetable Market at Pataudi vide notification dated 15.12.2004 under Section 4 of the Act followed by notification dated 9.1.2006 (Annexure P-4) under Section 6 of the Act. The land of the petitioners was not required in the plan of New Grain Market Pataudi. They are still in physical possession of the land in question. No compensation has been paid to them. They have submitted application to the respondents for releasing their land from the acquisition as the respondents have released the property of the other landowners. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act. Hence, the present writ petition.

4. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute and 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.

5. 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 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

March 24, 2015
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(REKHA MITTAL)
JUDGE