

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9013 of 2014

Date of Decision: 18.5.2015

Uttranchal Yuva Patrakar Cooperative House Building Society Limited

...Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Prateek Gupta, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.2.

**AJAY KUMAR MITTAL, J.**

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 26.6.1998 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 23.6.1999 (Annexure P-6) under Section 6 of the Act, the award dated 30.7.2003 (Annexure P-7) qua the land of the petitioner and the letter dated 31.7.2012 (Annexure P-12) vide which the claim of the petitioner has been rejected for release of the 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")

2. Government of Haryana vide notification dated 20.6.1998 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 23.6.1999 (Annexure P-6) under Section 6 of the Act, acquired the land including the land of the petitioner for the development and utilization of land for recreational and public and semi public Sector 32 Area. The petitioner filed objections under Section 5-A of the Act on 22.7.1998 (Annexure P-5). The award was passed on 30.7.2003 (Annexure P-7). The petitioner filed a reference under Section 18 of the Act for enhancement of the compensation which was decided by the reference court vide award dated 11.6.2012 (Annexure P-10). The appeal bearing RFA No. 4935 of 2012 filed against the award dated 11.6.2012 (Annexure P-10) is pending for final adjudication. The petitioner made a request to the State Government for the release of the land which is lying un-utilized for more than 11 years. The District Town Planner, Panchkula, vide letter dated 25.2.2008 (Annexure P-11) addressed to the petitioner stated that a request has been received through the Chief Minister for release of land in Sector 32 belonging to the petitioner but no document with regard to the ownership of the said land has been received and to supply duly attested and signed three copies of registry, jamabandi, mutation, aks-sajra, layout plan etc. The Directorate, Urban Estates, Haryana vide letter dated 31.7.2012 (Annexure P-12) informed the petitioner that the land has been acquired and possession has been taken over by the Haryana Urban Development Authority and therefore, there is no provision in the Act to release the land after completion of acquisition proceedings. The

petitioner is still in physical possession of the land in question. No compensation has been paid to it. 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 still in physical possession of the land in question and compensation has not been paid to it. 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 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 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its claim before the

concerned authority. It is, however, made clear that in case no such representation is filed within the stipulated period as noticed above, the interim order shall cease to operate, thereafter.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**May 18, 2015**  
gbs

**(REKHA MITTAL)**  
**JUDGE**