

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8045 of 2015

Date of Decision: 28.4.2015

Umed Singh and others

....Petitioners.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Shilak Ram Hooda, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners have approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing the notifications dated 29.11.2011 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) and dated 28.11.2002 (Annexure P-4) under Section 6 of the Act vide which the land of the petitioners has been acquired, being 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”). Further, a writ of prohibition has been sought prohibiting respondents No.1 to 4 from taking physical possession of the land of the petitioners as the acquisition proceedings stand lapsed in view of Section 24(2) of the 2013 Act.

2. The petitioners are owners of land comprised in Mustatil and killa Nos. 55//27(0-7) Gair Mumkin situated within the revenue estate of village Nangal Kalan, Sub Tehsil Rai, District Sonapat. They are also owners in possession of the land Mustatil and killa Nos. 13//9 (7-16), 10/1 (1-2) situated at village Kundli, Sub Tehsil Rai, District Sonapat and their built houses prior to issuance of notification under Section 4 of the Act. Government of Haryana vide notification dated 29.11.2001 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 28.11.2002 (Annexure P-4) acquired the land including the land of the petitioners for public purpose, namely, for the development and utilization of land for residential, institutional and commercial, Sector 58, Urban Estate, Sonapat. The petitioners raised objections. The award was passed on 24.11.2004 (Annexure P-8). According to the petitioners, they are still in physical possession of the land in dispute. No compensation has been paid to them. Claim has been laid that 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 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. 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

April 28, 2015
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(REKHA MITTAL)
JUDGE