

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9307 of 2014

Date of Decision: 19.5.2015

Smt. Luxmi Devi

....Petitioner.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. M.L. Sharma, Advocate for the petitioner.

Mr. Aakashdeep Singh, Advocate for respondent No.2.

Ms. Palika Monga, Deputy Advocate General, Haryana,
for respondent No.3.

Mr. J.P. Bhatt, Advocate for respondent No.4.

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 4.1.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 31.12.2002 (Annexure P-3) under Section 6 of the Act and the award dated 29.12.2004 (Annexure P-4) vide which her land was acquired, 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 petitioner is owner in possession of the land measuring

34 kanals situated within the revenue estate of village Para, Tehsil and District Rohtak. Government of Haryana vide notification dated 4.1.2002 (Annexure P-2) issued under Section 4 of the Act followed by notification dated 31.12.2002 (Annexure P-3) under Section 6 of the Act, acquired the land in question for the development and utilization of the land as residential, transport and communication, Sectors 4 and 5, Rohtak. The award was passed on 29.12.2004 (Annexure P-4). The petitioner challenged the said notifications by way of CWP No. 3297 of 2005 which was dismissed as withdrawn by this Court vide order dated 20.8.2008. The petitioner is still in physical possession of the land in dispute. No compensation has been paid to her. 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 dispute and compensation has not been paid to her. 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 her within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her 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

May 19, 2015
gbs

(REKHA MITTAL)
JUDGE