

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9315 of 2014

Date of Decision: 27.3.2015

Pushpa Gandhi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Bhupinder Kaur, Advocate for
Dr. Surya Parkash, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Ajay Nara, Advocate for respondent No.3.

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 mandamus to the effect that the acquisition process issued vide notifications dated 7.12.1992 (Annexure P-3) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 3.12.1993 (Annexure P-4) under Section 6 of the Act and the award dated 27.11.1995 (Annexure P-5) shall be deemed to have 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. As per the averments made in the petition, the husband of

the petitioner Shri Pritam Lal Gandhi purchased the land measuring 3 kanal 18 marals in June, 1987 in Industrial Area situated on the land of village Mewla Mahrajpur vide sale deeds, Annexures P-1 and P-2, respectively. Said Pritam Lal Gandhi died on 16.1.2004 and the present writ petition has been filed by his wife being legal heir. In the year 1992, the respondents decided to acquire certain land of villages Mewla Mahrajpur, Atmadpur and Mawai for the purposes of development and for utilization of the land as residential, commercial and roads in Sector 31, Faridabad. Accordingly, notification dated 7.12.1992 (Annexure P-3) under Section 4 of the Act followed by notification dated 3.12.1993 (Annexure P-4) under Section 6 of the Act was issued. The award was passed on 27.11.1995 (Annexure P-5). She is still in physical possession of the land in question. 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 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 petitioner, 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.

(AJAY KUMAR MITTAL)
JUDGE

March 27, 2015
gbs

(REKHA MITTAL)
JUDGE