

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8212 of 2015

Date of Decision: 30.4.2015

Saroj Gupta

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Mukul Aggarwal, Advocate for the petitioner.

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 21.6.2006 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 22.2.2007 (Annexure P-2) under Section 6 of the Act and the award dated 4.5.2007 (Annexure P-3) qua the land of the petitioner as the same 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. The petitioner is owner in possession of land measuring 302 square yards situated at village Sunarian Kalan, Tehsil and District Rohtak. Government of Haryana vide notification dated 21.6.2006 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 22.2.2007 (Annexure P-2) acquired the land for public purpose, namely, for sector dividing road between Sectors 24 and 25, Rohtak. The award was passed on 4.5.2007 (Annexure P-3). The petitioner challenged the said notifications by filing CWP No. 8783 of 2007 and this

Court vide order dated 18.11.2003 (Annexure P-4) dismissed the said writ petition. Respondent No.4 vide its letter dated 16.6.2009 (Annexure P-5) wrote to the Director, Urban Estates, Haryana that the sector road in question has been constructed and, therefore, the land measuring 3372 square yards was liable to be released from the acquisition. In pursuance thereto, the Commissioner and Principal Secretary, Government of Haryana vide letter dated 15.12.2010 (Annexure P-6) released the land of various persons. However, the land of the petitioner and other similarly situated persons was not released by the respondents and therefore, Satish Singla and others filed CWP No. 19940 of 2011 and this Court vide order dated 21.10.2011 issued notice of motion and directed the maintenance of status quo by the parties. During the pendency of the said writ petition, the respondents vide letter dated 14.2.2013 (Annexure P-7) released the land of the writ petitioners. This Court vide order dated 21.2.2013 (Annexure P-9) disposed of the said writ petition as infructuous. The petitioner submitted a representation dated 19.8.2013 (Annexure P-10) to the respondents for the release of her land but to no avail. 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. 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 30, 2015
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(REKHA MITTAL)
JUDGE