

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9784 of 2014

Date of Decision: 21.4.2015

Rajinder Singh and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Dr. Naresh Kaushik, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. J.P. Bhatt, Advocate for respondent-HUDA.

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 mandamus directing the respondents to release their land situated within the revenue estate of village Patla, Tehsil and District Sonapat from the acquisition by quashing the acquisition proceedings initiated vide notifications dated 17.11.2005 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 7.2.2006 (Annexure P-4) under Section 6 of the Act, the award dated 2.3.2006 (Annexure P-6) and the order dated 5.4.2014 (Annexure P-9) passed by respondent No.2 rejecting their claim, 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. State of Haryana vide notifications dated 17.11.2005 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 7.2.2006 (Annexure P-4) under Section 6 of the Act acquired the land of villages Sewli, Patla, Badh Khalsa, Jakholi, Khadar, Asawarpur, Khewra, Bahalgarh and Badh Malik of District Sonapat including the land of the petitioners for public purpose for the development and utilization of land for residential, commercial and institutional Sectors 65 to 68, Sonapat. The petitioners filed objections dated 5.12.2005 (Annexure P-3) under Section 5-A of the Act. On receipt of notice under Section 9 of the Act, the petitioners filed objections dated 1.3.2006 (Annexure P-5) for release of their land. The award was passed on 2.3.2006 (Annexure P-6). The State Government vide policy dated 26.10.2007 (Annexure P-7) made a provision for release of land from acquisition wherein the construction had taken place before the issuance of notification under Section 4 of the Act. Thereafter, revised policy dated 14.1.2011 (Annexure P-7/A) was issued for release of the land in question. They are still in physical possession of the land in question. No compensation has been paid to them. According to the petitioners, 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 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 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.

(AJAY KUMAR MITTAL)
JUDGE

April 21, 2015
gbs

(SHEKHER DHAWAN)
JUDGE