

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9611 of 2015

Date of Decision:- 15.05.2015.

Bhupinder Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. C.S. Singh, Advocate for the petitioners.

SURYA KANT, J. (ORAL)

- 1.) Notice of motion.
- 2.) Mr. G.S. Wasu, Additional A.G. Haryana accepts notice on behalf of respondent Nos.1, 3 and 4. There is no need to issue notice to respondent No.2 at this stage.
- 3.) The grievance of the petitioner is against notifications dated 15.12.2006 and 18.10.2007 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (since repealed) as well as the award dated 14.03.2008 passed under that Act.
- 4.) The petitioner had earlier challenged the acquisition of his land vide CWP No.16696 of 2009 which was dismissed by a Coordinate Bench on March 10, 2010.
- 5.) The case of the petitioner is that despite dismissal of the

writ petition, he continued to retain the possession of acquired land as is depicted in the photographs attached with the writ petition.

6.) On this premise, it is further contended that the petitioner is entitled to seek protection under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7.) Reliance is placed on a recent decision of the Hon'ble Supreme Court in **Sree Balaji Nagar Residential Association Vs. State of Tamil Nadu and others** decided on 10.09.2014 (Annexure P-13).

8.) Having heard learned counsel for the parties and keeping in view the assertion made by the petitioner which is essentially a question of fact and can be effectively determined by respondent Nos.3 and 4, we dispose of this writ petition without expressing any view on merits with a direction to these respondents to verify the petitioner's claim and if it is found that he fulfills one or the other statutory conditions prescribed under Section 24 (2) of the Act, extend the benefit of the new legislation to him. Till such decision is taken by the Authorities, status quo regarding possession shall be maintained.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

May 15, 2015.

sandeep sethi