

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9980 of 2015

Date of Decision: 18.5.2015

M/s J.D. Wood Products, Faridabad

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

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

PRESENT: Mr. Puneet Bali, Senior Advocate with
Mr. Vibhav Jain, 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 mandamus directing the respondents not to act upon the notifications dated 18.8.1987 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 16.8.1988 (Annexure P-5) under Section 6 of the Act qua the land of the petitioner situated in village Daulatabad, Tehsil and District Faridabad as the same having 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 of the land measuring 11 kanal 19 marlas situated within the revenue estate of Daulatabad, Tehsil and District Faridabad and had constructed a factory having 'A' class

construction. Government of Haryana vide notification dated 18.8.1987 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 16.8.1988 (Annexure P-5) under Section 6 of the Act, acquired 2.40 acres of land including the land of the petitioner for the development and utilization of land as residential area, Sector 16, Faridabad. The petitioner filed objections under Section 5-A of the Act. The award was passed on 13.8.1990 (Annexure P-6). The said notifications were challenged by the petitioner by way of CWP No. 12350 of 1990 which was disposed of by the Lok Adalat vide order dated 14.8.2003 (Annexure P-9). The petitioner is still in physical possession of the land in question. No compensation has been paid to it. 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 question and compensation has not been paid to it. 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 the petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate its claim before the concerned authority. 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 18, 2015
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(REKHA MITTAL)
JUDGE