

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10193 of 2016

Date of Decision: 23.5.2016

Likhi and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the 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?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Ram Bilas Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 31.7.2006 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 9.8.2007 (Annexure P-5) under Section 6 of the Act, the award dated 22.7.2008 (Annexure P-6) and all subsequent proceedings, 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 petitioners are the owners in possession of the land situated within the revenue estate of village Chandawali, District Faridabad as per jamabandi for the year 2001-02 (Annexure P-1). They

have constructed the area about 250 square yards each prior to the issuance of notification under Section 4 of the Act as reflected from the photographs, Annexure P-2. Further, the electricity bills (Annexure P-3 Colly) and voter/aadhar cards in the names of the petitioners had been issued at the same addresses. Government of Haryana issued a notification dated 31.7.2006 (Annexure P-4) under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-5) under Section 6 of the Act for acquisition of chunk of land measuring 627 acres 3 kanal and 12 marlas including the land of the petitioners situated within the revenue estate of village Chandawali, District Faridabad for the development and utilization of land for IMT Faridabad. The petitioners filed objections on 30.8.2006 (Annexure P-4/A) under Section 5-A of the Act. The award was passed on 22.7.2008 (Annexure P-6) only to the land measuring 626 acres 3 kanal and 15 marlas. The fathers of the petitioners filed CWP No. 16418 of 2007 challenging the acquisition proceedings and for releasing the residential houses of the petitioners. This Court vide order dated 27.1.2010 dismissed the said writ petition. The petitioners are still in physical possession of the land in question. However, they are ready to deposit the amount of compensation received by 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 are ready to deposit the amount compensation received by 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 comprehensive 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 petitioners, 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. 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 23, 2016
gbs

(RAJ RAHUL GARG)
JUDGE