

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10707 of 2016

Date of Decision: 26.5.2016

Chuni Lal Saini 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. Manoj Kaushik, 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 mandamus directing the respondents to release the share of their land situated within the revenue estate of village Ajrondha, Tehsil and District Faridabad acquired under the provisions of the Land Acquisition Act, 1894 (in short "the Act") vide award dated 29.6.1998 (Annexure P-3), 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. Government of Haryana vide notifications dated 3.7.1995 (Annexure P-1) under Section 4 of the Act and dated 2.7.1996

(Annexure P-2) under Section 6 of the Act acquired the land of the petitioners for the public purpose for development and utilization as residential and commercial area of Sector 20-A, Gurgaon. The award was passed on 29.6.1998 (Annexure P-3). The petitioners moved a representation dated 20.1.2016 (Annexure P-5) to respondent No.1 to release the land in question, but to no effect. They are still in physical possession of the land in question. However, some compensation amount has been received by them and they are ready to pay back the compensation along with interest. 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 pay back the amount of compensation received by them along with interest. 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 the petitioners have sent a representation dated 20.1.2016 (Annexure P-5) to respondent No.1 for release of the land in question in view of Section 24(2) of the 2013 Act, but no action has so far been taken thereon. He, however, prayed that 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 26, 2016
gbs

(RAJ RAHUL GARG)
JUDGE