

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11875 of 2016

Date of Decision: 3.6.2016

Vijay Kumar Chhabra

....Petitioner.

Versus

The 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. Sukhdeep Parmar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has 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 certiorari quashing the notifications dated 10.5.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 9.5.1990 (Annexure P-3) under Section 6 of the Act, the award dated 7.5.1992 (Annexure P-4) and all subsequent proceedings arising therefrom and to release the land of the petitioner 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 in possession of the land measuring 9 bigha 5 biswa situated in Taraf Insar, Hadbast No.12, Tehsil and District Panipat as per jamabandi for the year 2003-04 (Annexure P-1). Government of Haryana issued a notification dated 10.5.1989 (Annexure P-2) under Section 4 of the Act followed by notification dated 9.5.1990 (Annexure P-3) under Section 6 of the Act for acquisition of the land including the land of the petitioner for the development and utilization of land as residential, commercial, industrial and institutional area for Sectors 6 to 8, Panipat. The petitioner and his predecessors filed objections under Section 5-A of the Act. The award was passed on 7.5.1992 (Annexure P-4). According to the petitioner, he is still in physical possession of the land in dispute and is running the work of wool and other Fabric Trading by the name of Wooltex as is discernible from the photographs (Annexure P-5 Colly) and latest bill of business (Annexure P-6). Compensation has been paid to him. Claim has been laid that 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 in physical possession of the land in dispute though compensation has been paid to him. 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 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 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 him within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate his 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

June 3, 2016
gbs

(RAJ RAHUL GARG)
JUDGE