

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12056 of 2016

Date of Decision: 3.6.2016

Banta Singh 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. Harkesh Manuja, 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 1.1.2002 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act"), dated 24.12.2002 (Annexure P-3) under Section 6 of the Act and all subsequent proceedings 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") as neither the physical possession of the land of the petitioners has not been taken nor the amount of compensation has been deposited with the reference Court.

2. The petitioners are owners of the land measuring 40 kanal 10 marlas situated in village Budha Khera, District Karnal as per jamabandi for the year 2002-03 (Annexure P-1) and have been cultivating the same since long. Government of Haryana issued a notification dated 2.1.2002 (Annexure P-2) under Section 4 of the Act followed by notification dated 24.12.2002 (Annexure P-3) under Section 6 of the Act for acquisition of land of various villages including the land of the petitioners for residential and commercial area for Sector 9 Part, 32 and 33 Part, Karnal. Thereafter, the petitioners were approached by M/s True Zone Build Well Pvt. Ltd. for a collaboration agreement to establish a residential colony on 55.175 acres of land situated in village Budha Khera. On the basis of said collaboration agreement, a licence was applied on 14.9.2004 which was issued on 17.7.2006. The land of the petitioners was released in favour of M/s True Zone Build Well Pvt. Ltd. The award was passed on 21.12.2004 (Annexure P-4). The petitioners are still in physical possession of the land in question as is depicted in the photographs (Annexure P-5). The amount of compensation has not been paid to 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 no compensation has been paid to 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 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. The petitioners shall raise any other point that may be available before the concerned authority 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

June 3, 2016
gbs

(RAJ RAHUL GARG)
JUDGE