

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-134-2016

Date of decision:- 07.01.2016

Gurdev Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Abhilaksh Grover, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner is aggrieved by an order of eviction dated 09.12.2015 passed by the Estate Officer, HUDA - respondent No. 2.

2. The order is passed on the premise that the petitioner's land was acquired in the year 1992 under the Land Acquisition Act, 1894 (in short the Act).

3. The petitioner contends that although acquisition proceedings had been initiated, the land was not in fact acquired and, therefore, the basis of the order of eviction is erroneous.

This is an issue of fact which the petitioner ought to raise in the first instance in an appeal which is available to the petitioner under Section 20 of the Haryana Urban Development Authority Act, 1977.

4. The petitioner's further contention is that even assuming that the property stood acquired under the Act, it would make no difference, as he is still in possession of the property and no compensation has been received by him.

According to the petitioner, the acquisition proceedings would, therefore, be deemed to have lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. This is also a contention which the petitioner is entitled to

take in the appeal. It is in fact desirable that the petitioner in the first instance raises these contentions in the appeal as they constitute questions of fact.

5. The petition is, therefore, disposed of with a liberty to the petitioner to file an appeal and seek interim reliefs therein.

In the event of the petitioner filing an appeal by 31.01.2016 and taking out an application for interim reliefs therein, all the parties including the petitioner shall maintain status-quo in respect of the properties till an application for interim reliefs in the appeal is decided.

In the event of the appeal being found to be not maintainable for any reason whatsoever, this petition shall stand revived.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.01.2016

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