

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15438 of 2015

Date of Decision: 12.4.2016

Anita Jindal

....Petitioner.

Versus

State of Punjab 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. Arvind Singh, Advocate for the petitioner.

Ms. Sudeepti Sharma, Deputy Advocate General, Punjab.

Mr. R.S. Khosla, Senior Advocate with
Mr. K.S. Mamrat, Advocate for respondent No.2.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing the respondents to refer her case to the High Powered Committee as the Supreme Court vide order dated 22.1.2015 (Annexure P-8) had already quashed the acquisition proceedings. Further, a direction has been sought to respondent No.2 to decide the representation dated 8.3.2015 (Annexure P-9) filed by the petitioner.

2. The petitioner and her husband purchased the land

measuring 2 kanal 0 marla, 3 kanal 6 marlas and 0 kanal 2 marlas situated within the revenue estate of village Sohana, District Ropar (now District SAS Nagar, Mohali) on 10.6.1994 and 6.9.1994 and mutation Nos. 12915 to 12917 thereof were sanctioned. The said land was purchased by the petitioner prior to the issuance of acquisition proceedings vide notifications dated 21.2.2000 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act) and dated 2.2.2001 under Section 6 of the Act. The award was passed on 17.5.2001 (Annexure P-1). The petitioner had not claimed or withdrawn any compensation nor any compensation was offered to her and, therefore, the entire acquisition proceedings have lapsed in view of Section 24(2) of the Right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"). The possession of the land was not taken by the respondents and the petitioner is in continuous possession of the land since the year 1994 till date as is discernible from the telephone demand note dated 5.8.1998 (Annexure P-2), the electricity bills (Annexures P-3 to P-7, respectively) and the photographs (Annexure P-7/A). The Supreme Court vide judgment dated 22.1.2015 (Annexure P-8) passed in Civil Appeal No. 7424 of 2013 had quashed the acquisition proceedings in view of Section 24(2) of the 2013 Act. The petitioner moved a representation dated 8.3.2015 (Annexure P-9) to respondent No.2 for the release of land in view of Section 24(2) of the 2013 Act, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has submitted a

representation dated 8.3.2015 (Annexure P-9) to respondent No.2, but no action has so far been taken thereon.

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 directing respondent No.2 to decide the representation dated 8.3.2015 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 12, 2016
gbs

(RAJ RAHUL GARG)
JUDGE