

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1757 of 2016

Date of Decision: 24.5.2016

Tek Ram Dahiya and others

....Petitioners.

Versus

The State of Haryana and another

...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. Rohin Sharma, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

Mr. Saurabh Mago, AAG, Haryana.

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 23.2.1989 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 22.2.1990 (Annexure P-2) under Section 6 of the Act vide which their land has been acquired. Further, a writ of mandamus has been sought directing the respondents to release the land of the petitioners under 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 they are still in physical possession and no compensation has been paid to them.

2. Respondent No.1 vide notification dated 23.2.1989 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 22.2.1990 (Annexure P-2) under Section 6 of the Act, acquired the land including the land of the petitioners for the alleged purpose for development of Industrial Model Township, Faridabad. The award was passed on 21.2.1992 (Annexure P-3). The petitioners moved a representation dated 14.8.2015 (Annexure P-4) to respondent No.1 for release of the land in view of Section 24(2) of the 2013 Act, but to no effect. The petitioners are still in physical possession of the land in question. No compensation has 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 still in physical possession of the land in question and compensation has not 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 the petitioners have sent a representation dated 14.8.2015 (Annexure P-4) 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 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 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 the petitioners 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 24, 2016
gbs

(RAJ RAHUL GARG)
JUDGE