

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2257 of 2016

Date of Decision: 24.5.2016

Baljeet 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. B.S. Rathee, Advocate for the petitioners.

Mr. Saurabh Mago, AAG, Haryana.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 20.1.2003 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 16.1.2004 (Annexure P-3) under Section 6 of the Act for acquisition of their land for residential Sector-8, Sonapat, having 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").

2. The petitioners are the owners in possession of 1/2 share of

agriculture land measuring 10 kanal 15 marlas situated within the revenue estate of village Raipur, Tehsil and District Sonapat as per jamabandi for the year 2010-11 (Annexure P-1). State of Haryana issued a notification dated 20.1.2003 (Annexure P-2) under Section 4 of the Act followed by notification dated 16.1.2004 (Annexure P-3) under Section 6 of the Act for acquisition of land including the land of the petitioners for the development and utilization of land as residential Setor 8, Sonapat. The award was passed on 14.1.2006. The petitioners moved a representation dated 10.6.2015 (Annexure P-4) to respondents No.1 and 2 for release of land in view of Section 24(2) of the 2013, but to no effect. They are still in physical possession of the land in dispute and 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 in physical possession of the land in dispute 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 10.6.2015 (Annexure P-4) to respondents No.1 and 2 for releasing 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 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

May 24, 2016
gbs

(RAJ RAHUL GARG)
JUDGE