

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26533 of 2016

Date of Decision: 21.12.2016

Subhash

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Hardeep Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notification dated 9.8.2007 (Annexure P-1) issued under Section 6 of the Land Acquisition Act, 1894 (in short “the Act”) vide which his house has been acquired. Further, a writ of mandamus has been sought directing the respondents to release the house of the petitioner 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 he is still in physical possession and compensation has been received by him.

2. The petitioner is having share in the land measuring 300 square yards bearing khasra No. 28//3/2 and has constructed a house as well as the

house for cattle. Government of Haryana vide notification dated 31.7.2006 issued under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-1) under Section 6 of the Act, acquired the land including the land of the petitioner for the development of Industrial Model Township, Faridabad. The award was passed. The petitioner moved a representation dated 14.2.2016 (Annexure P-2) to respondent No.1 for release of the land in view of Section 24(2) of the 2013 Act, but to no effect. As per the photographs (Annexure P-3), the petitioner is still in physical possession of the land in question and is ready to return the amount of compensation received by him. According to the petitioner, 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 petitioner submitted that the petitioner is still in physical possession of the land in question and is ready to refund the amount of compensation received by him. 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 petitioner has sent a representation dated 14.2.2016 (Annexure P-2) 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 petitioner 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 petitioner, 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 petitioner 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 petitioner 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 petitioner within a period of four months from the date of receipt of representation. The petitioner shall be entitled to lead any evidence to substantiate her 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

December 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No