

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26559 of 2016

Date of Decision: 21.12.2016

Khajan Singh and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ram Bilas Gupta, Advocate for the petitioners.

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 31.7.2006 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 9.8.2007 (Annexure P-5) under Section 6 of the Act, the award dated 22.7.2008 (Annexure P-7) and all subsequent proceedings arising therefrom. Further, a writ of mandamus has been sought to declare the acquisition 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 owners and still in physical possession of the land situated within the revenue estate of village Chandawali, District Faridabad as per the jamabandi for the year 2006-07 (Annexure P-1). They

have raised constructions over the area about 2 kanals before the issuance of the notification under Section 4 of the Act. As per the photographs (Annexure P-2), the petitioners are still residing in the houses and cultivating the remaining land. The voter/aadhar cards and the electricity bills (Annexure P-3 Colly) are issued in the name of the petitioners and their families at the said address. Government of Haryana vide notification dated 31.7.2006 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-5) under Section 6 of the Act, acquired the land measuring 627 acre 3 kanal and 12 marlas for the purpose of development and utilization of the land for IMT, Faridabad. The petitioners filed objections under Section 5-A of the Act on 25.8.2006. However, the land measuring 450 square yards was released by the respondents. The petitioners have received notice dated 4.7.2008 (Annexure P-6) under Section 9 of the Act. The award was passed on 22.7.2008 (Annexure P-7). The petitioners are still in physical possession of the land in dispute. The compensation has been paid to petitioners and they are ready to deposit the same. 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 they are ready to deposit the compensation received by 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 since no demand notice claiming the relief as claimed in respect of lapse of notifications has been filed with the respondents, liberty

be granted to them 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 petitioners, 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

December 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No