

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26570 of 2016

Date of Decision: 21.12.2016

Bala Ram

....Petitioner.

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 petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 31.7.2006 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 9.8.2007 (Annexure P-6) under Section 6 of the Act and the award dated 22.7.2008 (Annexure P-7) and all subsequent proceedings. Further, a writ of mandamus has been sought for declaring the acquisition shall be deemed to have lapsed 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 of the land.

2. The petitioner is owner in possession of the land measuring 120 square yards situated within the revenue estate of village Chandawali,

District Faridabad, as per jamabandi for the year 2006-07 (Annexure P-1).

He had purchased the land vide registered sale deed dated 16.2.2004 and the mutation thereof was sanctioned in his favour. He had raised construction in the area about 80 square yards before the issuance of notification under Section 4 of the Act as is clear from the photographs (Annexure P-2). The voter/aadhar cards (Annexure P-3) are also issued in the favour of the petitioner and his family members and the electric connection is also in his name which is clear from the electricity bill (Annexure P-4). Government of Haryana vide notification dated 31.7.2006 (Annexure P-5) issued under Section 4 of the Act followed by notification dated 9.8.2007 (Annexure P-6) under Section 6 of the Act, acquired the land measuring 626 acre 31 kanal and 15 marlas including the land of the petitioner situated within the revenue estate of village Chandawali, District Faridabad for the purpose of development and utilization of land for IMT Faridabad by the Haryana State Industrial Development Corporation. The petitioner filed objections under Section 5-A of the Act on 24.8.2016. The award was passed on 22.7.2008 (Annexure P-7). 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 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 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 his 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