

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 26946 of 2016

Date of Decision: 23.12.2016

Raj Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Rajesh Arora, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 notifications dated 26.12.1977 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 23.12.1980 (Annexure P-6) under Section 6 of the Act and the award dated 5.11.1981 (Annexure P-7) vide which his plot measuring 200 square yards along with construction has been acquired. Further, a writ of mandamus has been sought directing the respondents to release the plot in question 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”) as the physical possession of the plot is with the petitioner and no compensation

has been paid to him.

2. The mother of the petitioner purchased a plot measuring 200 square yards situated at Gurgaon vide sale deed dated 17.2.1976 (Annexure P-1). The mutation dated 1.5.2010 (Annexure P-2) thereof was sanctioned in her favour. The petitioner became owner in possession of the plot in question vide family settlement dated 1.2.2011 (Annexure P-3). After execution of the sale deed, the mother of the petitioner had been in continuous possession of the plot in question as is discernible from the photographs (Annexure P-4). Government of Haryana vide notification dated 26.12.1977 (Annexure P-5) issued under Section 4 of the Act followed by notification dated 23.12.1980 (Annexure P-6) under Section 6 of the Act acquired the plot of the petitioner. The award was passed on 5.11.1981 (Annexure P-7). The petitioner is still in physical possession of the plot in question and no compensation has been paid to 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 no compensation has been 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 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No