

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27105 of 2016

Date of Decision: 23.12.2016

Sohan Lal

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Ms. Meenakshi Poswal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 30.5.2005 (Annexure P-3) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 22.5.2006 (Annexure P-4) under Section 6 of the Act and subsequent proceedings and to release the land in question 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 not been received by him.

2. The petitioner has purchased the land measuring 125 square yards in the year 2000-01 vide sale deed dated 24.5.2004 (Annexure P-2)

and the mutation thereof was sanctioned in his favour on 14.5.2005

(Annexure P-1). Government of Haryana vide notification dated 30.5.2005 (Annexure P-3) issued under Section 4 of the Act followed by notification dated 22.5.2006 (Annexure P-4) under Section 6 of the Act, acquired the land including the land of the petitioner. The award was passed. The petitioner moved a representation dated 18.8.2016 (Annexure P-5) to respondents No.1 to 4 for release of the land in question, but to no effect. As per the photographs, Annexure P-6, in front of the plot of the petitioner, the entire houses have been constructed and from other side there is road and only some portion of the land is lying vacant. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as he is still in physical possession of the land in question and no compensation has been paid to him. 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 paid to 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 16.8.2016 (Annexure P-5) to respondents No.1 to 4 for release of the land in question, 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 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