

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27136 of 2016

Date of Decision: 23.12.2016

Smt. Gurvinder Kaur and others

....Petitioners.

Versus

Union Territory, Chandigarh and another

...Respondents.

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

PRESENT: Mr. Girish Agnihotri, Senior Advocate with  
Mr. Arvind Seth, Advocate and  
Mr. Bhuman Vats, 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 11.12.2003 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 8.1.2004 (Annexure P-2) under Section 6 of the Act and the award dated 29.3.2004 (Annexure P-3) 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. Chandigarh Administration vide notification dated 11.12.2003 (Annexure P-1) issued under Section 4 read with Section 17(1) of the Act followed by notification dated 8.1.2004 (Annexure P-2) acquired the land of

village Raipur Kalan for the public purpose, namely, for the planned and regulated development including the provision of Gaushala, Cattle pond and shelter for stray animals and afforestation and allied uses. The award was passed on 29.3.2004 (Annexure P-3). The petitioners filed CWP No. 3382 of 2004 challenging the said acquisition proceedings and this Court vide order dated 27.4.2006 (Annexure P-4) dismissed the said writ petition. The petitioners moved an application dated 23.8.2006 (Annexure P-5) before respondent No.2 pleading that the name of the petitioner firm has been shown as S.S. Bottling Company whereas the land belonged to the Chandigarh Bottling Company and, therefore, the land acquired should be in the name of Chandigarh Bottling. Respondent No.2 vide letter dated 20.9.2006 (Annexure P-6) asked the petitioners to attend the office on any working day along with the documents. In response thereto, the petitioners along with sale deed and other revenue record approached respondent No.2 and vide letter (Annexure P-7), the necessary change was made as Chandigarh Bottling instead of M/s S.S. Bottling. However, the payment of the acquired land as per the award was not paid to the petitioners. The petitioners filed a reference under Section 18 of the Act on 20.8.2006 (Annexure P-8). The said reference was sent to the District Judge, Chandigarh and the payment as per the award was not deposited along with the reference application with the reference court. The patwari made a statement dated 21.10.2011 (Annexure P-9) before the reference Court and thereafter the possession report dated 16.2.2004 (Annexure P-10) was submitted. The reference court vide award dated 11.1.2013 (Annexure P-11) assessed the compensation of the acquired land along with the structures and trees. The petitioners filed RFA No. 4409 of 2013 and this Court vide

order dated 22.9.2015 (Annexure P-12) disposed of the said appeal. Against the order, Annexure P-12, the petitioners filed appeal before the Supreme Court which is pending adjudication. As per the photographs, Annexure P-13, the land in question has still not been utilized for the purposes for which it was acquired. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as no compensation has been paid to them. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the compensation has not been paid to the petitioners. 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 petitioners 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 23, 2016**  
gbs

**(RAMENDRA JAIN)**  
**JUDGE**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**