

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5212 of 2016

Date of Decision: 18.3.2016

Lalit Kumar and another

....Petitioners.

Versus

State of Haryana and others

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Manoj Kaushik, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to release the land detailed in the jamabandi for the year 1996-97 (Annexure P-2), situated within the revenue estate of village Gurgaon, Tehsil and District Gurgaon to the extent of their respective shares which was acquired vide award dated 14.1.1988 (Annexure P-1) as they and their other family members have continued to be in actual and physical possession till date as 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 father of the petitioners was owner in possession of the land situated within the revenue estate of village Gurgaon, Tehsil and District Gurgaon. The petitioners along with other family members were in occupancy and have been using continuously the above said land/constructed houses as per jamabandi for the year 1996-97 (Annexure P-2). Government of Haryana issued a notification dated 28.3.1985 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 15.1.1986 under Section 6 of the Act for acquisition of land of the petitioners. The award was passed on 14.1.1988 (Annexure P-1). The petitioners moved a representation dated 30.10.2015 (Annexure P-3) to respondent No.1 for release of land in view of Section 24(2) of the 2013 Act, but to no effect. They are still in physical possession of the land in question and are ready to deposit the amount of compensation received by their predecessors/ancestors along with interest. 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 are ready to deposit the amount of compensation received by their predecessors/ancestors along with interest. 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 petitioners have moved a representation dated 30.10.2015 (Annexure P-3) to respondent No.1 for releasing the land in question but no action has so far been taken thereon. They, however, prayed that 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

March 18, 2016
gbs

(RAJ RAHUL GARG)
JUDGE