

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7722 of 2016

Date of Decision: 27.4.2016

Inder Singh

....Petitioner.

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. Rajiv Kataria, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari quashing the acquisition proceedings issued vide notification dated 30.1.1989 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 25.1.1990 (Annexure P-3) under Section 6 of the Act, 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 petitioner is owner of the land situated in village

Naharpur Rupa, Tehsil and District Gurgaon as per jamabandi for the year 2003-04 (Annexure P-1). Respondent No.1 issued a notification dated 30.1.1989 (Annexure P-2) under Section 4 of the Act followed by notification dated 25.1.1990 (Annexure P-3) for acquisition of the land including the land of the petitioner for public purpose to set up commercial, industrial and transports Sectors 33-34, Gurgaon. The petitioner and his predecessors filed objections under Section 5-A of the Act. The award was passed on 22.1.1992 (Annexure P-4). Some of the co-owners made an application 20.2.1992 (Annexure P-5) to the Treasury Officer, Gurgaon for making a report as to whether the amount of compensation was deposited in the Treasury or not. When the proceedings under Section 18 of the Act were pending before the District Judge, Gurgaon, there also an application was moved as to whether the amount of award had been deposited or not and the District Judge, Gurgaon, vide order dated 4.3.1992 (Annexure P-6) recorded that on verification, it was found that no amount of any award had been deposited with the Court. According to the petitioner, he is still in physical possession of the land in dispute. No compensation has been paid to him. Claim has been laid that 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 in physical possession of the land in dispute and compensation has not 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 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 parties, 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 him 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

April 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE