

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9127 of 2016

Date of Decision: 11.5.2016

Samey Singh and another

....Petitioners.

Versus

State of Haryana and another

...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. Hardeep Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners, by way of instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of certiorari for quashing the notifications dated 24.8.2000 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 22.8.2001 (Annexure P-2) under Section 6 of the Act vide which their land was acquired. Further, a writ of mandamus has been sought directing the respondents to release their land 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 they are still in physical

possession thereof.

2. Respondent No.1 issued a notification dated 24.8.2000 (Annexure P-1) under Section 4 of the Act followed by notification dated 22.8.2001 (Annexure P-2) under Section 6 of the Act for acquisition of land including the land of the petitioners for the purpose of expansion of Industrial Sector 57, Gurgaon. The petitioners had filed objections under Section 5-A of the Act. As per the revenue record, i.e. jamabandi for the year 2001-02 (Annexure P-3), order dated 5.6.2007 (Annexure P-4) and the photographs (Annexure P-5), the construction had been shown prior to the issuance of notification under Section 4 of the Act. The petitioners made a representation dated 8.1.2014 (Annexure P-6) to the respondents for release of their land in view of Section 24(2) of the 2013 Act, but to no effect. Thereafter, the petitioners sent a reminder dated 12.3.2014 (Annexure P-7) to the respondents, but no action has so far been taken thereon. According to the petitioners, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as they are still in physical possession of the land in question. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are in physical possession of the land in dispute. It was further submitted that they have moved a representation dated 8.1.2014 (Annexure P-6) followed by a reminder dated 12.3.2014 (Annexure P-7) to the respondents for the release of their land from acquisition as per the provisions of the 2013 Act, but no response has been received till date. 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 and 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

May 11, 2016
gbs

(RAJ RAHUL GARG)
JUDGE