

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2587 of 2017
Decided on : 13.02.2017**

Bimla Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

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

PRESENT: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

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 *Mandamus* for directing the respondents to release the land/plot of the petitioner from the acquisition proceedings and not to take possession of the aforesaid land/plot, as the acquisition proceedings under Section 4 and 6 of the Land Acquisition Act, 1894 (in short 'the Act') took place in the year 2006-07, 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 was owner in possession of the land measuring 7¼ marla land/plot comprised of Khasra No. 147 (4-7) vide Sale Deed No.10991, dated 13.02.2007, situated in Palam Vihar/Indira Colony, Near Sector 23, Bhiwani. Government of Haryana vide notification dated 21.03.2006 (Annexure P-1) issued under Section 4 of the Act followed by notification dated 20.03.2007 (Annexure P-2) under Section 6 of the Act,

acquired the land including the land of the petitioner for the development and utilization of land for residential and commercial, Sector 23, Bhiwani. The award No.3 and 4 passed on 18.08.2008 (Annexure P-3 & P-4). The owners of the same very khasra number i.e. 147//4 filed objections under Section 5-A of the Act and after due consideration their land have been released from the acquisition proceedings. The land of the petitioner falls in between the persons whose land has been released and thus, cannot be utilized for any purpose. The possession of the land/plot is still with the petitioner, as till today neither the possession has been taken from her nor any compensation in this regard has been made to the petitioner. According to the petitioner, the acquisition proceedings have lapsed in view of Section 24(2) of the 2013 Act as she is still in physical possession of the land/plot in question and no compensation has been paid to her. 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 received by her. 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 land of the other owners of the same very khasra number has been released. 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 her 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

(RAMENDRA JAIN)
JUDGE

February 13, 2017

J.Ram

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No