

CWP No.2712 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2712 of 2017
Date of decision: 14.02.2017

Krishan Pyari

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: - Mr. Ram Bilas Gupta, Advocate, for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of *mandamus/certiorari* for quashing the notifications dated 31.07.2006 (Annexure P-4) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 09.08.2007 (Annexure P-5) under Section 6 of the Act and the award dated 22.07.2008 (Annexure P-6) having lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short “2013 Act”).

2. The petitioner was owner and still in possession of the land/house measuring 108 Sq. yards comprised in rectangle/khasra No.33//3 (6-19) to the extent of her share situated in Village Chandawali, District Faridabad. Government of Haryana vide notification dated 31.07.2006 (Annexure P-4) issued under Section 4 of the Act followed by notification dated 09.08.2007 (Annexure P-5) under Section 6 of the Act, acquired large chunk of land

measuring 626 acres 31 kanal and 15 marla situated in the revenue estate of

CWP No.2712 of 2017

Village Chandawali, District Faridabad for the development and utilization of area for IMT Faridabad by the HSIDC. The petitioner filed objections under Section 5-A of the Act. The award was passed on 22.07.2008 (Annexure P-6). The petitioner had raised constructions in the area about 70 sq. yards much before the issuance of notification under Section 4 of the Act. The petitioner is still residing in the house/land along with her family members. The Voter Cards/Aadhar Cards are also issued in the names of the petitioner as well as her family members at the above said house of the petitioner. The petitioner got electric connection on the said house. 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 in question, though the compensation has been received by 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, however, she has received the compensation. 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. 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

CWP No.2712 of 2017

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

February 14, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No