

CWP No.2760 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2760 of 2017
Date of decision: 14.02.2017

Mahender Saini and others

....Petitioners

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 petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of *mandamus/certiorari* for quashing the notifications dated 31.07.2006 (Annexure P-5) issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”), dated 09.08.2007 (Annexure P-6) under Section 6 of the Act and the award dated 22.07.2008 (Annexure P-8) 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 petitioners were owners in possession of the land measuring 27 kanal 3 marla situated in Village Chandawali, District Faridabad. Government of Haryana vide notification dated 31.07.2006 (Annexure P-5) issued under Section 4 of the Act followed by notification dated 09.08.2007 (Annexure P-6) 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

Village Chandawali, District Faridabad for the development and utilization

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of area for IMT Faridabad by the HSIDC. The petitioners filed objections under Section 5-A of the Act. The award was passed on 22.07.2008 (Annexure P-8). The petitioners had raised constructions in the area about 1200 sq. yards much before the issuance of notification under Section 4 of the Act. The petitioners are still residing in the said house/land. The Voter Cards/Aadhar Cards are also issued in the names of the petitioners as well as their family members at the above said houses of the petitioners. The petitioners got electric connection on the said houses. 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, though the compensation has been received by them. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that the petitioners are still in physical possession of the land in question, however, they have 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 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

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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 the petitioners 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 claims 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