

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1469-2018

Date of Decision: January 24, 2018

Parveen Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.R.D.Yadav, Advocate for the petitioners.

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SURYA KANT, J.

Notice of motion.

On our asking, Mr.Ankur Mittal, Additional Advocate General, Haryana, alongwith Mr.Manoj Dhankhar, AAG, Haryana, who is present in Court, accepts notice on behalf of all the respondents. Let requisite sets of paper-book be handed over to him during the course of day.

In view of the settled legal position, we do not deem it necessary to ask the respondents to file any reply-statement.

The petitioners have laid challenge to the Notifications dated 31.12.2013 and 24.12.2014 purportedly issued under Sections 4&6 of the Land Acquisition Act, 1894 respectively (since repealed) (for short 'the Old Act'). The question which falls for consideration in this case is whether

Notification issued under Section 6 of the Old Act could be issued after

01.01.2014 when the New Act, i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force. The Full Bench of this Court in CWP No.4371 of 2015 (**Deepak Aggarwal and another vs. State of Haryana and others**) decided on 31.08.2017 has held that once the Old Act has been repealed w.e.f. 01.01.2014, no declaration under Section 6 of the said Act could be notified thereafter and the further process, if any, has to be issued under the New Act. It further appears that the impugned Notification was also the subject matter of challenge in CWP No.7874 of 2014 (**Vijay Pal Yadav and another vs State of Haryana and others**), which a Division Bench of this Court has allowed on 05.09.2017, relying upon the Full Bench decision in **Deepak Aggarwal and another**(supra). The instant writ petition is also accordingly allowed in the same terms.

(SURYA KANT)
JUDGE

January 24, 2018
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(SHEKHER DHAWAN)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |