

M.M. Mehta Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: April 4, 2014

Acts Referred: Land Acquisition Act, 1894 " Section 4, 6

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 " Section 24(2)

Hon'ble Judges: Surya Kant, J; Lisa Gill, J

Bench: Division Bench

Advocate: Girish Agnihotri, Senior Advocate and Mr. Vibhor Sharma, Advocate for the Appellant; Palika Monga, Deputy AG, Haryana, Advocate for the Respondent

Judgement

Surya Kant, J.

Notice of motion to respondent Nos. 1 to 4 only at this stage.

2. On our asking, Mr. Palika Monga, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

3. Let four copies of the writ petition be supplied to the learned State counsel during the course of the day failing which this order shall be

automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

4. In view of the nature of order which we propose to pass, neither respondent No. 5 is required to be served as no order prejudicial to its interest

is being passed, nor any counter-reply from respondent Nos. 1 to 4 is needed at this stage.

5. The petitioner while questioning the illegality of notifications dated 6.3.2002 (Annexure P-3) and 15.11.2002 (Annexure P-4) issued under

Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act"), respectively, and the Award dated 22.07.2003

(Annexure P-10), in fact seeks a direction for the release of his land on the plea that no public purpose can be served by retaining the acquired

land of the petitioner nor the respondents have proposed to utilize it for any public purpose. It is also contended that lands of the private-builder-

cum-developers have been released from time to time after passing of the Award.

6. Similarly, the petitioner claim that since he has never been dispossessed from the acquired land nor the compensation amount has been paid to

him, the provisions of Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013, are attractive being a factual plea and also be gone into by the respondent-authorities.

7. It may be mentioned that the petitioner earlier approached this Court in CWP No. 598 of 2004 (M/s. M.M. Mehta versus State of Haryana

and others) which was disposed of vide order dated 16.10.2008 (Annexure P-5), with liberty to him to put up his claim before the State

Government on the ground of discrimination in the matter of release of the acquired land. The petitioner is said to have submitted representations to

the State Government on 25.3.2009 (Annexure P-6) and 07.10.2013 (Annexure P-8). He also sought an information under the Right to

Information Act, 2005, about the fate of his representations but finding no response on his representations so far, the petitioner has approached

this Court.

8. Having heard learned counsel for the parties, however, without expressing any views on the petitioner's claim or allegations but keeping in view

the fact that he has submitted representations for the release of his acquired land in compliance to the liberty earlier granted by this Court, we

dispose of this writ petition with a direction to respondent Nos. 1 to 4 to verify the petitioner's claim as contained in this writ petition and take an

appropriate decision in accordance with their policy/law, within a period of four months from the date of receiving a certified copy of this order.

For the effective adjudication of the petitioner's claim, this writ petition may be treated as a supplementary representation on his behalf.

9. Ordered accordingly.

10. Dasti.