
(2014) 04 P&H CK 0168

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 7706 of 2014

The Tribune Employees
and Friends
Cooperative Group
Housing Society Ltd.

APPELLANT

Vs

State of Haryana and
Others

RESPONDENT

Date of Decision: April 25, 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

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

Bench: Division Bench

Advocate: Anand Chhibbar, Senior Advocate and Mr. R.S. Randhawa, Advocate for the Appellant

Final Decision: Disposed Off

Judgement

Surya Kant, J.

The petitioner is a Co-operative House Building Society which has been constituted on amalgamation of two Co-operative House Building Societies. The original Cooperative House Building Societies (now amalgamated into the petitioner-Society) owned the land measuring 25 acres, 2 kanal and 8 marla, situated within the revenue estate of villages Saketri and Bainsa Tibba, Tehsil and District Panchkula. Their land was acquired by the State of Haryana for the development and setting-up Sectors, 1, 2 3, 5-B, 5-C and 6 for Panchkula extension (Mata Mansa Devi Complex), vide notifications dated 16.3.1999 (Annexure P-5) and 15.03.2000 issued under Sections 4 & 6 of the Land Acquisition Act 1894 (hereinafter referred to as "1894 Act"), respectively.

2. Though a big chunk of land was acquired vide the afore-mentioned notifications, various writ petitions were filed by the land-owners challenging that acquisition. The Cooperative Societies which amalgamated into the petitioner-Society also laid challenge to the acquisition of their respective land, by way of Civil Writ Petition Nos. 3381 and 3382 of 2001. A Division Bench of this Court disposed of those writ petitions vide a common order dated 12.08.2011, on the statement made by the Advocate General, Haryana, that the claim regarding release of land would be dispassionately considered by the High Powered Committee.

3. The petitioner-Society in the instant writ petition has raised two-fold grievances/contentions. Firstly, it is urged that in deference to the above-mentioned order dated 12.08.2011, a comprehensive representation was made but no decision has been taken so far by the High Powered Committee; Secondly, "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (hereinafter referred to as "2013 Act") came into force w.e.f. 01.01.2014 and since possession of the acquired land is still with the petitioner-society, it is entitled to the benefit of Section 24 of 2013 Act.

4. During the course of hearing, learned counsel for the petitioner submits and rightly so that if the High Powered Committee takes a decision in favour of the petitioner thereby releasing its land, the second contention noticed herein-above, would be rendered academic. He, therefore, submits that at this stage a direction may be issued to the High Powered Committee to decide the petitioner's claim on merits without prejudice to the second plea to be taken only if need be. He also submits that the petitioner-society would submit another supplementary representation to the High Power Committee in the light of the above-stated plea taken before us.

5. We, thus, dispose of this writ petition, without expressing any views on merits of both the contentions/issues, with a direction to respondent Nos. 1 & 4 to decide the petitioner's claim for the release of its land in terms of the stand taken before this Court in the writ petitions decided on 12.08.2011. Let the High Powered Committee decide the matter within a period of two months from the date of receiving a certified copy of this order. The petitioner may submit the supplementary representation within a period of one week.

6. Ordered accordingly.

7. Dasti.