

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10292 of 2015

Date of Decision: 21.5.2015

Sham Lal and another

....Petitioners.

Versus

The State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. S.S. Ranghi, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to make the payment of compensation for the land acquired for construction of embankments and widening of the river Ghaggar from Khanauri to village Karail (RD 58000 to RD 133443), Tehsil Moonak, District Sangrur.

2. The petitioners were owners of land situated at village Gulahar, Tehsil Patran, District Patiala. The respondents vide notification dated 13.4.2007 (Annexure P-2) issued under Section 6 of the Land Acquisition Act, 1894 acquired the land including some of the land of the petitioners for embankment of the Ghaggar River and to check the soil erosion. Thereafter, vide supplementary notification (Annexure P-3), 1.40 acres of land was also acquired by the respondents. Respondent No.4 vide letter dated 26.4.2009 (Annexure P-4) informed the petitioners that they are taking active steps to make the payment of the acquired land.

Even the Sub Divisional Magistrate, Patran vide letter dated 19.8.2009

(Annexure P-5) forwarded the representation of the petitioners to respondent No.4 with the recommendation that despite having taken over the possession of the land of the owners and construction of the embankment, but no payment has been made to them. The land of the petitioners has been acquired and no compensation was made to them. They petitioners made various representations including representations dated 12.10.2013 and 24.2.2015 (Annexures P-6 and P-7, respectively) to respondents No.2 and 5 for the payment of compensation but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved representations dated 12.10.2013 (Annexure P-6) and dated 24.2.2015 (Annexure P-7) to respondents No.2 and 5, but no action has so far been taken thereon.

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 directing respondent No.3 to take a decision on the representations dated 12.10.2013 (Annexure P-6) and dated 24.2.2015 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 21, 2015
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(REKHA MITTAL)
JUDGE