

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10689 of 2015

Date of Decision: 25.5.2015

Ram Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Naresh Kaushal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner through the instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of Mandamus directing respondent No.2 to decide his application and his other co-sharers/co-applicants dated 25.5.2009 (Annexure P-2) filed under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act").

2. The land of the petitioner and his other co-sharers, situated in village Durali, Tehsil and District Mohali was acquired by the Government of Punjab vide notification dated 24.10.2000 issued under Section 4 of the Act for setting up Chandigarh-Ludhiana B.G. Rail Line. The award was passed on 25.7.2001. On coming to know about the award dated 5.5.2009 (Annexure P-1) passed by the reference court in Reference No. RT-69 of 3.5.2003, titled as 'Jagir Singh v. Punjab State etc.' arising out of the same very notification, he filed an application

dated 25.5.2009 (Annexure P-2) under Section 28A of the Act for re-determination of the compensation on the basis of the said award, Annexure P-1, before respondent No.2. The petitioner vide letter dated 25.11.2009 (Annexure P-3) followed by reminder dated 23.2.2010 (Annexure P-4) requested respondent No.2 to decide his application but to no effect. He along with his other co-sharers also served a legal notice dated 2.3.2015 (Annexure P-5) upon respondent No.2 but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 2.3.2015 (Annexure P-5) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.2 to take a decision on the legal notice dated 2.3.2015 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 25, 2015
gbs

(REKHA MITTAL)
JUDGE