

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11002 of 2015

Date of Decision: 27.5.2015

Lakhwinder Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. C.M. Munjal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed by the petitioner under Articles 226/227 of the Constitution of India, a prayer for issuance of a writ in the nature of mandamus has been sought directing the respondents to pass an award under the Land Acquisition Act, 1894 (in short "the Act") or under the Right to Fair Compensation and Transparency and Resettlement Act, 2013 as the respondents have acquired the land of the petitioners for the purpose of construction of link drain in which notification under Section 4 of the Act was issued on 18.2.2013 (Annexure P-2). Further, a prayer has been made for release of the compensation of the acquired land to the petitioners, the possession of which has already been taken and construction of the drain has already been completed.

2. The petitioners were owners in possession of the land, as

detailed in para 2 of the writ petition. Respondent No.1 vide notification dated 18.2.2013 (Annexure P-2) issued under Section 4 of the Act acquired the land of the petitioner for public purpose at the public expense for construction of Kutianwali Link Drain at village Kutianwali, Tehsil Malout, District Sri Muktsar Sahib from RD 12800 to 19500 (partial) uptil Wahavwala drain RD 49500 falling RD0 to 19500 till Kutianwali Link Drain. The possession of the land of the petitioners was taken in the year 2012 before the issuance of notification under Section 4 of the Act by destroying the crops resulting into loss of ₹ 60,000/- per acre to them. The petitioners submitted objections under Section 5-A of the Act on 20.11.2013 (Annexure P-3). Thereafter, notification under Section 6 of the Act was issued. Till date neither the award has been passed nor any compensation has been released to the petitioners of the acquired land. The petitioners sent a representation dated 14.6.2014 (Annexure P-4) to respondent No.1 for passing of the award and to release the 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 this writ petition, the petitioners have moved a representation dated 14.6.2014 (Annexure P-4) to respondent No.1, 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 decide the representation dated 14.6.2014 (Annexure P-4) by passing a speaking order 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. It is further directed that in case it is found that the petitioners is entitled to the amount of compensation, the same be paid to them expeditiously in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2015
gbs

(REKHA MITTAL)
JUDGE