

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11299 of 2015

Date of Decision: 28.5.2015

Jaspal Kaur

....Petitioner.

Versus

Union of India and another

...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 the respondents to decide her applications dated 19.3.2012 (Annexures P-2 and P-3) filed under Section 28-A of the Land Acquisition Act, 1894 (in short “the Act”) for re-determination of compensation on the basis of award dated 22.2.2012 (Annexure P-1).

2. The land of the petitioner and her other co-sharers, situated in village Bhago Majra, Tehsil Kharar, District SAS Nagar, Mohali was acquired by the Government of Punjab vide award dated 26.8.2001 for setting up Chandigarh-Ludhiana B.G. Rail Line. The reference court while deciding a reference under Section 18 of Act enhanced the compensation to the tune of ₹ 10 lacs per acre along with all statutory benefits vide award dated 22.2.2012 (Annexure P-1). The petitioner filed

applications dated 19.3.2012 (Annexures P-2 and P-3) 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. Respondent No.2 vide letter dated 27.9.2012, asked the petitioner and other co-sharers to come present on 17.10.2012 for adjudication of the applications. In pursuance thereto, the petitioner along with her sons appeared and furnished requisite particulars. Thereafter, respondent No.2 called several times to the petitioner but all in vain. Till date the applications (Annexures P-2 and P-3) have not been decided by the respondents. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved applications dated 19.3.2012 (Annexures P-2 and P-3) 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 decide the applications dated 19.3.2012 (Annexures P-2 and P-3), 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 28, 2015
gbs

(REKHA MITTAL)
JUDGE