

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13439 of 2015

Date of Decision: 8.7.2015

Naib 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. Har Naresh Singh Gill, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a residential plot to them in oustee quota as per oustee policy dated 25.5.2011 (Annexure P-2) in lieu of their acquired land.

2. Government of Punjab vide notification dated 19.1.2004 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894, acquired the land of village Bermipur, Tehsil and District Mohali for setting up residential urban estate. As per oustee policy dated 25.5.2011 (Annexure P-2), the petitioners are entitled to a residential as well as commercial area. The petitioners vide application dated 22.6.2012 applied for a residential plot. When no response was received from respondent No.4, the petitioner again sent an application dated 12.9.2013 (Annexure P-3) for the allotment of a residential plot, but to no

effect. Thereafter, petitioner No.2 gave an application dated 20.11.2013 (Annexure P-4) to respondent No.5. The Land Acquisition Collector vide letter dated 17.12.2013 (Annexure P-5) informed petitioner No.2 that no information under the Right to Information Act, 2005 can be given after preparing the same only documents could be given. The petitioners served a legal notice dated 28.7.2014 (Annexure P-6) upon respondents No.2 to 4 for the allotment of a residential plot to them in oustee quota in lieu of their acquired land, 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 sent a legal notice dated 28.7.2014 (Annexure P-6) to respondents No.2 to 4, 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 legal notice dated 28.7.2014 (Annexure P-6), 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

July 8, 2015
gbs

(REKHA MITTAL)
JUDGE