IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14691 of 2015

Date of Decision: 23.7.2015

Harinder Singh

....Petitioner.

Versus

State of Punjab 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 the respondents to acquire the land measuring 17 marlas situated in village Doomchheri, Hadbast No.262, Tehsil Chamkaur Sahib, District Rupnagar which is being used illegally, as per report dated 20.8.2013 (Annexure P-1) and subsequent report dated 7.5.2015 (Annexure P-4) and to pay compensation along with all statutory benefits under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; to pay the damages/user charges from the year 2005 along with interest to the petitioner.

2. The petitioner is owner of the land measuring 1 kanal 3 marlas (23 marlas) situated in village Doomchheri, Tehsil Chamkaur Sahib, District Rupnagar, out of which the land measuring 6 marlas was

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acquired vide notification dated 23.6.2005 issued by the Government for acquisition of land for construction of new B.G. Railway Line from Chandigarh to Ludhiana by invoking urgency provisions under Section 17(1) of the Land Acquisition Act, 1894. The possession was taken after the payment of 80% compensation in the year 2005 which was further followed by the award dated 12.8.2010. The Government took possession of whole of the land without paying anything qua 17 marlas to the petitioner. The revenue officials vide report dated 30.5.2013 found the illegal occupation by the Railway Department and respondent No.3 vide letter dated 20.8.2013 (Annexure P-1) informed the petitioner that respondent No.4 had been directed to start proceedings and pay compensation qua the land measuring 14 marlas whereas the total area in illegal possession was 17 marlas. The petitioner sent a representation dated 8.12.2014 to the respondents for the payment of compensation and damages qua the illegal possession of the land measuring 17 marlas, but to no effect. Thereafter, he served a legal notice dated 9.2.2015 (Annexure P-3) upon the respondents for payment of compensation along with damages and all other statutory benefits, 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 9.2.2015 (Annexure P-3) to the respondents, 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.3 to take a decision on the legal notice dated 9.2.2015 (Annexure P-3), in

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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

July 23, 2015
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(REKHA MITTAL)
JUDGE

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