

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15394 of 2015

Date of Decision: 30.7.2015

Sardool 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. Karan Gupta, 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 respondent-authorities for making reference of the dispute pertaining to apportionment of compensation under Sections 75 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "the 2013 Act") to the competent authority.

2. Government of Punjab vide notification dated 11.8.2011 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") followed by notification dated 2.9.2011 under Section 6 of the Act acquired the land of the petitioner for construction of banks on both sides of Ghaggar River. The award was passed on 14.11.2014 (Annexure P-1) whereby compensation of the acquired land was assessed at ₹ 6,03,84,628/-. The petitioner filed a petition dated

18.2.2015 (Annexure P-2) under Sections 76 and 77 of the 2013 Act for referring the dispute with regard to apportionment of compensation to the concerned authority under Section 51 of the 2013 Act. However, no decision was taken thereon. Thereafter, the petitioner served a legal notice dated 19.3.2015 (Annexure P-3) upon respondent No.2 for doing the needful, 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 19.3.2015 (Annexure 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 take a decision on the legal notice dated 19.3.2015 (Annexure 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 two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 30, 2015
gbs

(REKHA MITTAL)
JUDGE