

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15640 of 2015

Date of Decision: 3.8.2015

Surinder Pal and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Gourav Goel, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners through the instant petition filed under Articles 226/227 of the Constitution of India, have prayed for issuance of a writ in the nature of mandamus directing the respondents to release the amount of compensation on account of trees, tubewells and superstructure on their land which was acquired in the year 1994.

2. The land of the petitioners along with construction of kothas, tubewell, motor, trees and superstructure situated at village Ajnali, Tehsil Amloh, District Fatehgarh was acquired in the year 1992-93 by the respondent-State for focal point at Mandi Gobindgarh, District Fatehgarh Sahib and the possession thereof was taken in the year 1994. The value of the superstructure and trees and tubewells was assessed by respondent No.2 and a letter dated 23.6.1993 (Annexure P-1) was issued *inter se* between the departments. However, no amount of compensation was released to the petitioners. The petitioners sent a legal notice dated 28.1.2009 (Annexure P-2) to the Principal Secretary,

Department of Industries and Commerce, Punjab, Chandigarh, but to no effect. Thereafter, the petitioners served another legal notice dated 5.1.2015 (Annexure P-3) upon respondents No.2 and 3 for the release of amount of compensation along with interest. Respondent No.2 replied to the legal notice that the payment would be released by respondent No.3 and a letter in this regard had already been written to them. However, 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 5.1.2015 (Annexure P-3) to respondent No.2 and 3. The said notice was replied by respondent No.2 that the payment would be released by respondent No.3 and a letter in this regard had already been written to them, 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 5.1.2015 (Annexure P-3), 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. It is further directed that in case it is found that the petitioners are entitled to any amount, the same shall be released to them within next three months by respondent No.2.

(AJAY KUMAR MITTAL)
JUDGE

August 3, 2015
gbs

(SHEKHER DHAWAN)
JUDGE