

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16056 of 2015

Date of Decision: 6.8.2015

Hari Krishan Ahuja 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. C.M. Munjal, 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 release the amount of compensation forthwith as awarded by respondent No.3 vide award dated 2.2.2015 (Annexure P-2) pursuant to the notifications 29.1.2013 (Annexure P-1) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") as the possession has already been taken in the year 2012.

2. Petitioners No.1 to 4 were owners in possession of the land measuring 37 kanal 5 marlas situated in village Khubban, Tehsil Abohar, District Fazilka. Similarly, one Shri Vaishno Dass son of Shri Mool Chand was also the owner in possession of the land measuring 9 kanal 4 marlas and leased out the said land in favour of petitioner No.5 for 99 years in the year 2002. Government of Punjab issued a notification dated 29.1.2013 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 2.8.2013

under Section 6 of the Act for the public purpose for construction of Kutianwali Link Drain from RD-0 to 19500 out falling into Wahabwala drain RD-49500 from RD-0-12800 (Partly) Tehsil Abohar, District Fazilka. The award was passed on 2.2.2015 (Annexure P-2). The petitioners requested the respondents several times to make the payment of compensation, but to no effect. Thereafter, they submitted a representation dated 15.4.2015 (Annexure P-3) to the respondents for release of amount of compensation, 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 moved a representation dated 15.4.2015 (Annexure P-3) to the respondents, 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 decide the representation dated 15.4.2015 (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 the amount of compensation, the same be paid to them within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

August 6, 2015
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(REKHA MITTAL)
JUDGE