

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16240 of 2015

Date of Decision: 7.8.2015

Bhupinder Kaur and others

....Petitioners.

Versus

State of Punjab and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Naresh Kaushal, 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 make the payment of statutory interest from 26.12.2006 to 18.7.2008, i.e., from the date of award till the deposit of amount before the reference court on the compensation paid to them in lieu of their acquired land vide award dated 26.12.2006 along with further interest on the said interest part as per the mandate of Section 34 of the Land Acquisition Act, 1894 (in short "the Act") by taking action on the representation dated 22.5.2013 (Annexure P-3), reminder dated 7.7.2014 (Annexure P-4) and the legal notice dated 7.5.2015 (Annexure P-5) in time bound manner.

2. Government of Punjab vide award dated 26.12.2006 acquired the land of the petitioners measuring 9 kanal 17 marlas situated in village Chilla, Hadbast No.3, Tehsil and District Mohali for

setting up Sector 81 in the area of SAS Nagar, Mohali. The amount of compensation was withheld by respondent No.2 and on a dispute being raised by one Dharam Singh, the matter was referred to the reference Court by respondent No.2 vide application dated 30.1.2008. The amount of compensation along with interest was deposited by respondent No.2 in the reference court on 18.7.2008, i.e. after a lapse of more than one year and seven months from the date of award. The reference was decided by the reference court vide award dated 12.2.2011 (Annexure P-2) and the payment was made to the petitioners without any interest. The petitioners made a representation dated 22.5.2013 (Annexure P-3) to respondent No.2 for the amount of interest for the period from 26.12.2006 to 18.7.2008, but to no effect. Thereafter, a reminder dated 7.7.2014 (Annexure P-4) was sent to respondent No.2. When no action was taken in the matter, the petitioners served a legal notice dated 7.5.2015 (Annexure P-5) upon respondent No.2 for the payment of statutory interest, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have submitted a representation dated 22.5.2013 (Annexure P-3) followed by the reminder dated 7.7.2014 (Annexure P-4) before respondent No.2, but to no effect. Thereafter, they sent a legal notice dated 7.5.2015 (Annexure P-5) to respondent No.2, 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.2 to take a decision on the legal notice dated 7.5.2015 (Annexure P-

5), 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 two months, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

August 7, 2015
gbs

(REKHA MITTAL)
JUDGE