

**HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 22823 of 2015(O&M)
Date of decision: October 21,2015**

Dilbagh Singh

...Petitioner

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. A.D.S. Jattana, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

Some part of the land situated in vilage Thathia Mahanta, Tehsil and District Tarn Taran has been acquired by the Government of Punjab for expansion of high way. The petitioner claims to have interest being owner in possession of the part of the land in question.

Smt. Parkash Kaur, the mother of the petitioner (since divorced), filed a suit for declaration against Smt. Tej Kaur, the grand-mother of the petitioner, on the ground that she was owner in possession on some part of the acquired land which was given to her by the letter. That suit was decreed on 28.02.1987(Annexure P-3) and it was ordered that keeping in view the fact that it is a case of transfer of immovable property out of natural love and affection, therefore, it is directed that the decree shall be binding and shall take effect only when it is registered in accordance with the provisions of the Registration Act.

It is the case of the petitioner that the said decree has not been registered so far.

Since the land in question has been acquired by the Punjab Government, the issue of payment of compensation in regard thereto has arisen.

The petitioner has submitted a representation dated 9.8.2015 (Annexure P-5) followed by a legal notice dated 9.9.2015(Annexure P-6) addressed to the Deputy Commissioner Tarn Taran, claiming that the amount of compensation should not be released on the basis of the judgment and decree of the Civil Court referred to above. It is stated therein that the decree being 38 years old cannot be now executed.

Learned counsel for the petitioner states that at this stage he would be satisfied if a direction is issued to respondent no.2 to take a decision on the legal notice(Annexure P-6).

In view of the above, without commenting on the merits of the case, this petition is disposed of with a direction to the respondent No.2 to look into the claim contained in legal notice dated 9.9.2015(Annexure P-6) and take a decision on the same in accordance with law expeditiously, preferably, within a period of three months from the date of receipt of a certified copy of this order.

(Harinder Singh Sidhu)
Judge

21.10.2015
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