

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24087 of 2014

Date of Decision: 5.5.2015

Narata Ram

....Petitioner.

Versus

Union Territory, Chandigarh

...Respondent.

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

PRESENT: Mr. P.C. Dhiman, Advocate for the petitioner.

Mr. K.S. Mamrat, Advocate for
Mr. Shekhar Verma, Advocate for the respondent.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondent to decide his application dated 25.1.2010 (Annexure P-6) under Section 28-A of the Land Acquisition Act for re-determination of the amount of compensation of the super-structure.

2. The respondent vide notification dated 3.7.1997 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 30.6.1998 under Section 6 of the Act acquired 60.52 acres of land of village Nizampur Burail and 5 acres of land of village Jhumru, UT, Chandigarh for a public purpose, namely, for the development of third phase, Chandigarh. The award was passed on 19.1.2000 (Annexure P-1). Against the award, Annexure P-1, the petitioner filed a reference under Section 18 of the Act for enhancement

of compensation. The reference court vide award dated 19.11.2000 (Annexures P-3 and P-4, respectively) dismissed the reference. In another reference application in LAC No. 826 of 2008, arising out of the same award and the same notification, the respondent had awarded full value assessed by the PWD Department plus 25% increase over and above the compensation assessed by the PWD Department along with statutory benefits. On the basis of the award dated 17.12.2009 (Annexure P-5) passed by the reference court in LAC No. 826 of 2008, the petitioner filed an application dated 25.1.2010 (Annexure P-6) under Section 28-A of the Act for re-determining the amount of compensation of the super-structures, but the same has not been decided.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 25.1.2010 (Annexure P-6) before the respondent, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent to decide the application dated 25.1.2010 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 5, 2015
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(REKHA MITTAL)
JUDGE