

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26469 of 2014

Date of Decision: 28.4.2015

Guranhat Singh and others

....Petitioners.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. Satbir Rathore, Advocate for the petitioners.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.2.

Mr. Rajesh Bhardwaj, Addl. Advocate General, Punjab.

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 pay the arrears of deficit amount of compensation as demanded by respondent No.3 vide Annexures P-5 and P-6, along with interest @ 12% per annum and other statutory benefits from the date it became due till its realization to them for their land which was acquired in the year 2004-05 for public purpose, i.e. for widening of Jalandhar-Pathankot NH-1A or in the alternative, respondents be directed to take action on the legal notice dated 16.7.2014 (Annexure P-8) sent by the petitioners.

2. The land of the petitioners measuring 42 marlas situated at village Tikhowal, Hadbast No. 262, District Hoshiarpur was acquired by

respondent No.2 vide notification dated 11.7.2005 for widening of Jalandhar-Pathankot NH-1A and compensation was paid to the landowners at the rate of ₹ 1,75,000/- per marla whereas the collector's rate was ₹ 2,30,000/- per marla for scale of 57.5 inch = one karam and that karam was converted into 66 inch = 1 karam and the collector's rate was reduced to ₹ 1,75,000/- per marla instead of ₹ 2,30,000/-. The possession of the land in question was taken after the publication of the above said notification but the deficient payment of compensation has not been paid to the petitioners. The Tehsildar, Mukerian vide letter dated 4.5.2010 (Annexure P-1) informed the petitioners that in Mukerian and Tikhawal villages the measurement of karam is 57.5 inch. Sarsahis, marlas and acres are measured according to 57.5 inch. The collector rates are fixed according to this measurement and are in use that is karam of 57.5 inch since its introduction and according to 57.5 inch = 1 karam stamp duty is fixed and levied. Thereafter, respondent No.3 wrote a letter dated 25.6.2010 (Annexure P-2) to respondent No.2 to remit the arrears of compensation to the landowners of village Tikhawal by taking into consideration the scale of 57.5 inch = one karam instead of 66 inch = one karam. Again respondent No.3 wrote a letter dated 11.10.2010 (Annexure P-3) to respondent No.2 to deposit the deficient amount of compensation at the rate of ₹ 2,30,000/- per marla and not reducing the rate by treating the marla according to 66 inch/one marla. The said fact was admitted by respondent No.2 vide letter dated 17.2.2011 (Annexure P-4) but no deficit amount of compensation was paid to the petitioners. The petitioners again approached respondent No.3 who vide letter dated 30.5.2011 (Annexure P-5) wrote respondent No.2 to deposit the amount of compensation by treating the marla of 207 square feet and

not of 272 square feet and along with it sent two copies of demand for making payment to the landowners. Since no amount of compensation was paid to the petitioners, petitioner No.1 sent a notice dated 23.3.2012 (Annexure P-2) to respondent No.2 but to no effect. Thereafter, the petitioners served a legal notice dated 16.7.2014 (Annexure P-8) upon respondent No.2 for making the deficient 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 sent a legal notice dated 16.7.2014 (Annexure P-8) to respondent No.2, 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 respondent No.2 to take a decision on the legal notice dated 16.7.2014 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two 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 along with interest.

(AJAY KUMAR MITTAL)
JUDGE

April 28, 2015
gbs

(REKHA MITTAL)
JUDGE