

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 383 of 2015

Date of Decision: 13.5.2015

Rachan Singh 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. Naresh Kaushal, Advocate for the petitioners.

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

Mr. K.S. Mamrat, Advocate for respondent No.3.

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 compensation along with interest @ 12% per annum of the acquired land.

2. The petitioners are owners of the land as detailed in para 2 of the writ petition. The land in question was acquired by the respondents vide award dated 26.12.2006. Respondent No.2 while issuing notice dated 25.7.2006 (Annexure P-2) under Section 9 of the Land Acquisition Act, 1894 shown the share of the petitioners as 10/776th share each whereas their share comes to 5/194th share each and in this way has wrongly calculated share depriving them of atleast half share and not paid their actual lawful compensation. The petitioners were issued a oustee certificate dated 13.9.2013 (Annexure P-3) showing that they have been paid compensation qua land measuring 4 biswas 71 biswasi each only out of the said land measuring 18 bighas 8

biswas whereas they were entitled to the compensation of land measuring 10 biswas each. The petitioners vide application dated 26.9.2013 requested respondent No.2 for releasing the balance amount of compensation followed by demand dated 11.12.2013. When no action was taken, the petitioners moved a representation dated 17.2.2014 (Annexure P-4) to respondent No.2 for the payment of balance amount of compensation along with interest, but to no effect. Thereafter, they sent a legal notice dated 26.5.2014 (Annexure P-5) to respondent No.2, 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 26.5.2014 (Annexure P-5) to respondent No.2, but no action has so far been taken thereon.

6. 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 26.5.2014 (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 along with interest within next one month.

(AJAY KUMAR MITTAL)
JUDGE

May 13, 2015
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(REKHA MITTAL)
JUDGE