

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4000 of 2015

Date of Decision: 25.3.2015

Bharpur 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. RVS Chugh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Notice of motion.
2. Mr. D.S. Mann, Assistant Advocate General, Punjab accepts notice. Let two sets of the paper-book be supplied to him by the learned counsel for the petitioners during the course of the day.
3. 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 release the entire amount of compensation of their land as per the award dated 25.3.2011 (Annexure P-1) along with interest @ 12% per annum from the date of acquisition of the land till the payment and further amount of compensation for various installation like tubewells, electric motors and trees etc.
4. The respondents in the year 2011 issued a notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") for acquisition of the land for construction of Peona Thermal Power Plant at village Gobindpura, Tehsil Budhlada District Mansa. The petitioners and other residents of the village filed objections under Section 5-A of the Act. Respondent No.3 passed an award dated 25.3.2011 (Annexure P-1). Till date, the petitioners have not received the compensation. The

petitioners served a legal notice dated 26.10.2014 (Annexure P-2) upon respondent No.3 for non-payment of compensation of the acquired land, interest thereto and compensation of structures, tubewells, electric motors and tress but no response has been received. Hence, the present writ petition.

5. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 26.10.2014 (Annexure P-3) to respondent No.3, but no action has so far been taken thereon. Reliance was also placed on the order dated 23.4.2014 (Annexure P-3) passed by the Division Bench of this Court in **CWP No. 7437 of 2014** titled as **Karnail Singh and others v. State of Punjab and others**.

6. 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.3 to take a decision on the legal notice dated 26.10.2014 (Annexure P-2), 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 forthwith along with interest.

(AJAY KUMAR MITTAL)
JUDGE

March 25, 2015
gbs

(REKHA MITTAL)
JUDGE