

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5986 of 2014

Date of Decision: 21.5.2015

Swaran 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. Naresh Kaushal, Advocate for the petitioners.

Ms. Sakshi, Advocate for the respondents.

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 acquire the land of the petitioners measuring 1 kanal 2 marlas situated in village Khooni, Hadbast No. 187, Tehsil Kharar, District Mohali, in a time bound manner and to pay the compensation along with interest as per market value of the land along with user charges/damage for the period the land in question has been occupied by the respondents.

2. The petitioners are in possession of land situated in village Khooni Majra, Hadbast No. 187, Tehsil Kharar, District SAS Nagar, Mohali. The Government acquired some land for setting up Chandigarh Ludhiana B.G. Railway Line and while making the Railway Line, the respondents have illegally occupied/ encroached upon the land

measuring 1 kanal 2 marlas without paying any compensation to them. The petitioners made an application dated 17.3.2009 to the Tehsildar, Kharar for demarcation of the said land and the Patwari and Kanungo made a report dated 29.4.2009 (Annexure P-2) by demarcating the land that the land measuring 1 kanal 2 marlas has been encroached/covered by the Railway Line. The petitioners served a legal notice dated 9.3.2011 (Annexure P-3) followed by the reminder dated 21.11.2011 (Annexure P-4) upon respondents No.2 and 3 for the amount of damages along with interest for the land in question, but to no effect. Thereafter, the petitioners again sent a legal notice dated 13.8.2013 (Annexure P-5) to respondents No.2 and 3, 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 13.8.2013 (Annexure P-5) to respondents No.2 and 3, 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 13.8.2013 (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.

(AJAY KUMAR MITTAL)
JUDGE

May 21, 2015
gbs

(REKHA MITTAL)
JUDGE