

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4778 of 2015

Date of Decision: 18.3.2015

Savinder Singh Sidhu

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Nakul Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has approached this Court by way of instant petition filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of Mandamus directing respondents No.2 to 5 to pay compensation to him after assessing the same or in the alternative to pay total compensation after fixing the same from the year 1980 as from 1980, the petitioner was not able to cultivate his land measuring 3 kanal 17 marlas as the same land comes under the drain, i.e. Rattewala Drain (Sohangarh Rattewala Drain) as the said encroachment had been made without any acquisition of land. Further prayer has been made directing respondents No.2 to 5 either to remove encroachments/illegal occupation or pay compensation for the land measuring 3 kanal 17 marlas as the same was in illegal possession of respondents No.4 and 5 since 1980.

2. The petitioner along with his brothers, namely, Balwant

Singh and Gurmej Singh, purchased land from Tirath Singh and Kartar Singh measuring 19 kanal 2 marlas comprised in khasra No. 40, killa No.1 (6-12), khasra No. 41, killa Nos. 5(5-19), 6/1(6-11) situated in village Sohargarh, Tehsil and District Ferozepur, vide sale deed dated 19.12.1980 (Annexure P-1). Out of the said land, the land measuring 1 kanal 17 marlas out of khasra No. 40/1 and 2 kanal out of khasra No. 41//6/1 had been covered by drainage, i.e. Rattewala Drain (Sohargarh Rattewala). The petitioner moved an application dated 19.5.2014 (Annexure P-2) to the Tehsildar, Guruharsahai for demarcation of the land situated in village Sohargarh comprised in khasra No. 40, killa No. 1 (6-12), khasra No. 41, killa Nos. 5(5-19), 6/1 (6-11). As per demarcation proceedings dated 17.6.2014 (Annexure P-3), wherein it was reported out that the land out of khasra No. 40M/1 measuring 1 kanal 17 marlas and out of khasra No. 41M/6/1 measuring 2 kanals has been covered by the drainage. The said proceedings were recorded in roznamcha wakiati (Annexure P-4). The petitioner sent a legal notice dated 16.7.2014 (Annexure P-5) to respondents No.3 and 5 to vacate the land measuring 1 kanal 17 marlas out of rectangle No. 40. killa No.1 and land measuring 2 kanal out of rectangle No. 41, killa No. 6/1 covered by the drainage and to pay compensation after assessing the same, but no response has been received from the said respondents. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 16.7.2014 (Annexure P-5) to respondents No.3 and 5, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.5 to take a decision on the legal notice dated 16.7.2014 (Annexure P-5), 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

March 18, 2015
gbs

(REKHA MITTAL)
JUDGE