

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5499 of 2015

Date of Decision: 25.3.2015

Nachhattar Kaur and another

....Petitioners.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Mr. Naresh Kaushal, Advocate for the petitioners.

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 decide their application dated 12.2.2013 (Annexure P-2) under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act") pending before respondent No.2 for re-determination of the compensation on the basis of award dated 11.12.2012 (Annexure P-1).

2. The land of the petitioners measuring 1 bigha 2 biswas situated in village Chilla Hadbast No. 3, Tehsil and District SAS Nagar (Mohali) was acquired by the Government of Punjab vide award dated 26.12.2006 for public purpose, i.e., for the development of urban estates in the area of SAS Nagar (Mohali). The reference court vide award dated 11.12.2012 (Annexure P-1) enhanced the compensation along with all statutory benefits. The petitioners could not file the reference under

Section 18 of the Act but filed an application dated 12.2.2013 (Annexure P-2) under Section 28-A of the Act before respondent No.2 for re-determination of the amount of compensation on the basis of award dated 11.12.2012 (Annexure P-1) but no response has been received so far. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved an application dated 12.2.2013 (Annexure P-2) before respondent No.2, but no action has so far been taken thereon.

4. 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.2 to take a decision on the application dated 12.2.2013 (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.

(AJAY KUMAR MITTAL)
JUDGE

March 25, 2015
gbs

(REKHA MITTAL)
JUDGE