

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5595 of 2015

Date of Decision: 26.3.2015

Vikash Singh Gill

....Petitioner.

Versus

The State of Punjab and another

...Respondents.

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

PRESENT: Mr. Harminder Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to pay the amount of compensation to him for the land measuring 1 bigha 1 biswa 3½ biswasies out of 1 bigha 13 biswas 5 biswasies to the extent of 57/665 share comprised in khewat No. 1895, khatauni No. 2514 situated within the revenue estate of village Gill-II, Hadbast No. 263, Tehsil and District Ludhiana acquired vide award dated 7.8.2010.

2. As per the averments made in the petition, the petitioner was owner of land measuring 1 bigha 13 biswas 5 biswasies to the extent of 57/665 share comprised in khewat No. 1895, khatauni No. 2514 situated within the revenue estate of village Gill-II, Hadbast No. 263, Tehsil and District Ludhiana. Respondent No.1 issued notification dated 10.8.2009 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 8.2.2010 (Annexure P-2) under Section 6 of the Act for acquiring 192.75 acres of land of village Gill-I, Gill-II, Lohara and Dugri, District Ludhiana for the development of Missing Link-II (Dandran Road to Sidhwan Canal via Malerkotla Road, Ludhiana) including the said land. The award was passed on 7.8.2010

(Annexure P-3). No compensation was received by the petitioner. He made a representation dated 5.6.2014 (Annexure P-4) to respondent No.2 for disbursement of compensation of the land acquired. Thereafter, reminder dated 28.8.2014 was sent. Having received no response from respondent No.2, the petitioner sent a legal notice dated 18.11.2014 (Annexure P-6) to the respondents but to no effect. 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 representation dated 5.6.2014 (Annexure P-4) followed by the reminder dated 28.8.2014 (Annexure P-5) to respondent No.2 but no response was received from them. Thereafter, the petitioner sent a legal notice dated 18.11.2014 (Annexure P-6) to the respondents, 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.3 to take a decision on Annexures P-4 to P-6, respectively, 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. It is further directed that in case it is found that the petitioner is entitled to the amount of compensation, the same shall be paid to him forthwith within next one month.

(AJAY KUMAR MITTAL)
JUDGE

March 26, 2015
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(REKHA MITTAL)
JUDGE