

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5600 of 2015

Date of Decision: 26.3.2015

Mewa Singh

....Petitioner.

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 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 acquire the land measuring 1 kanal 6 marlas bearing khasra Nos. 29//9/3 (0-5), 8 (0-13), 12 (0-8) situated in village Lehal, Hadbast No. 386, Tehsil and District Gurdaspur and pay the compensation along with all statutory benefits, coupled with the damages/loss caused to him for using the land since 2009.

2. As per the averments made in the petition, the land of the petitioner measuring 6 kanal 4 marlas situated within the revenue estate of village Lehal, Tehsil and District Gurdaspur was acquired by respondent No.2 vide award dated 24.12.2009. The compensation was paid. However, the land measuring 1 kanal 6 marlas situated in village Lehal, Hadbast No. 386, Tehsil and District Gurdaspur was neither acquired nor the same was notified but along with the said land, the aforesaid land has also been utilized and is in possession of respondent No.2 since 2009. Since no compensation was paid for the said land, the petitioner made an application dated 18.2.2014 to respondent No.3 for compensation and requested for demarcation on the spot for inclusion of

the said area in the acquisition. Respondent No.3 himself got demarcated the said piece of land and vide reports dated 19.3.2014, 10.4.2014 and 7.5.2014 (Annexure P-1 Colly) of the Patwari, Kanungo and Naib Tehsildar, respectively, it was found that the said piece of land falls under the bypass of National Highway and vide letter dated 9.6.2013, respondent No.3 wrote to respondent No.2 for taking of follow up action in accordance with law but no action has so far been taken. Thereafter, the petitioner sent a demand notice dated 6.12.2014 (Annexure P-2) but no response has so far been received. 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 demand notice dated 6.12.2014 (Annexure P-2) to respondents No.2 and 3, 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 the demand notice dated 6.12.2014 (Annexure P-2), 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 26, 2015
gbs

(REKHA MITTAL)
JUDGE