

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7979 of 2015

Date of Decision: 27.4.2015

Sital Singh and others

....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 restore the possession of land measuring 2 kanal 14 marlas situated in village Lamalehri, Tehsil Anandpur Sahib, District Rupnagar to them; to pay user charges/damage for the period the land in question has been occupied by the respondents and to acquire the land in question in a time bound manner by paying the compensation.

2. The petitioners are owners of land measuring 138 kanal 9 marlas situated in village Lamaleheri, Tehsil Anandpur Sahib, District Rupnagar, out of which the respondents have illegally occupied/encroached upon the land measuring 2 kanal 14 marlas about 35-40 years back and had constructed a water tank without acquiring the same and paying any compensation to them. The petitioners made an

application to the Tehsildar, Ananadpur Sahib for demarcation of the said land who conducted the demarcation. As per the demarcation report dated 31.5.2012 (Annexure P-2), a water tank was constructed on the land in question and the petitioners were owners of the same. The petitioner served a legal notice dated 23.11.2013 (Annexure P-3) upon the respondents for the amount of damages along with interest for the land in question, 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 23.11.2013 (Annexure P-3) to the respondents, 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.1 to take a decision on the legal notice dated 23.11.2013 (Annexure P-3), 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

April 27, 2015
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(REKHA MITTAL)
JUDGE