

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8715 of 2015

Date of Decision: 5.5.2015

Amrik Singh and others

....Petitioners.

Versus

The State of Punjab and others

...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 release the Baras-cum-residences/structures/plots measuring 6 bigha situated in village Saini Majra, Tehsil and District SAS Nagar, Mohali from acquisition and adjust the same or to re-allot the same to them as the structure/ Baras/plots of the other co-sharers around their structure have been released as per the order dated 2.9.2013 (Annexure P-3) passed by this Court in CWP No. 21736 of 2011 in compliance with the relocation policy dated 12.2.2014 (Annexure P-5).

2. The petitioners are owners in possession of land measuring 6 bigha containing Baras-cum-residence, hand pump etc. situated on the phirni of village Saini Majra, Tehsil and District SAS Nagar, Mohali. The land of the petitioners along with other land was acquired by the

respondents vide award dated 13.12.2011 (Annexure P-1). Similarly situated persons whose Baras-cum-residences situated on both sides of the structure of the petitioners were acquired, filed CWP No. 21736 of 2011 and this Court vide order dated 2.9.2013 (Annexure P-3) disposed of the said writ petition. In pursuance thereto, the said properties situated on the phirni of the village have already been released on the basis of the recommendations dated 31.8.2013. In order to rehabilitate the house owners whose structure is falling near the abadi or phirni of the village, the Government in view of decision of this Court dated 31.7.2013 passed in CWP No. 21263 of 2011, notified a relocation policy dated 12.2.2014 (Annexure P-5). The similarly situated persons whose plots along with structures situated on the phirni of the village, filed CWP No. 3244 of 2014 and this Court vide order dated 20.2.2014 (Annexure P-7), referring to the earlier decision qua the same khasra number, directed the respondents to verify the claim of the petitioners and consider the desirability of releasing their acquired piece of land or re-allotment of the plot. Thereafter, the petitioners sent a legal notice dated 10.3.2015 (Annexure P-8) to respondents No.1 to 3, but no response has been received. 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 10.3.2015 (Annexure P-8) to respondents No.1 to 3, 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 legal notice dated 10.3.2015 (Annexure P-

8), 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

May 5, 2015
gbs

(REKHA MITTAL)
JUDGE