

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9769 of 2015

Date of Decision: 18.5.2015

Gulshan Kumar

....Petitioner.

Versus

State of Haryana and another

...Respondents.

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

PRESENT: Mr. Sanjay Verma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the 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 respondents No.1 and 2 to pass the award with regard to pucca construction of the shop in question which was acquired vide notification dated 25.4.2008 and award dated 24.8.2009.

2. The land of the petitioner measuring 5 kanal 17 marlas situated in village Kukrola (Pachgaon), Tehsil Manesar, District Gurgaon was acquired vide notification dated 25.4.2008 issued under Section 4 of the Land Acquisition Act, 1894 and the award dated 24.8.2009 (Annexure P-1) was passed. The amount of compensation was received by the petitioner. Thereafter, the reference was filed under Section 18 of the Act. As over the land in dispute, a pucca constructed shop was situated, the petitioner submitted a valuation report, Annexure P-2,

amounting to ₹ 1,26,265/- but till date no separate award for pucca construction was passed by respondent No.2. The petitioner submitted application/representation dated 2.8.2013 (Annexure P-3) before respondent No.2 for the payment of compensation of construction, 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 moved a representation dated 2.8.2013 (Annexure P-3) to respondent No.2, 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.2 to take a decision on the representation dated 2.8.2013 (Annexure P-3), 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

May 18, 2015
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(REKHA MITTAL)
JUDGE