

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.12347 of 1997

Date of Decision: December 02, 2016

Joga Singh & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Harbhajan Singh Dhandi, Advocate,
for the petitioners.

Mr.Yatinder Sharma, Addl.AG, Punjab.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the alleged inaction on the part of the respondent authorities, petitioners-landowners have approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus, directing the respondents to make the payment of balance amount to the petitioners on account of 100% loss caused to their standing crops and property, due to the negligence of the respondent authorities.

Notice of motion was issued. Reply by way of short affidavit

dated 06.03.1998 of Deputy Commissioner, Patiala, was filed.

Relevant averments taken in the reply filed by Deputy Commissioner, Patiala, read as under:-

“That the petitioners had moved an application to the S.D.O (C) Rajpura for assessment of loss by flood water and the matter was enquired thoroughly and was forwarded to respondent No.3 for payments. The payment of compensation to petitioners is to be made by respondent No.3. Respondent No.3 has already made 70% of compensation to the petitioners and remaining 30% is also required to be made by said respondent. The answering respondent has nothing to do with it as it was not a natural calamity.”

In view of the above said fair stand taken on behalf of the respondents in the reply filed by Deputy Commissioner, Patiala, genuine claim put forth by the petitioners have gone completely undisputed and uncontroverted. Once it is so, petitioners would be entitled for payment of the balance amount, as claimed by them by way of the present writ petition.

In view of the above said undisputed fact situation obtaining on the record of the present case, instant writ petition is disposed of with a direction to the Deputy Commissioner, Patiala as respondent No.4 to look into the matter, consider the genuine claim of the petitioners which

had never been in dispute and ensure making the payment of balance amount to the extent of 30% at an early date and in any case within a period of three months from the date of receipt of a certified copy of this order.

With the abovesaid observations made and directions issued, present petition stands disposed of.

December 02, 2016

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(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>