

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10085 of 2016

Date of Decision: 20.5.2016

Shashi Bhushan

....Petitioner.

Versus

Union Territory, Chandigarh

...Respondent.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. P.C. Dhiman, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 respondent to decide his application dated 16.8.2011 (Annexure P-4) under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act") in view of award dated 18.3.2011 passed in LAC No. 706 dated 29.7.2010/27.4.2006.

2. The respondent vide notification dated 4.12.2000 issued under Section 4 of the Act followed by notification dated 7.6.2001 under Section 6 of the Act acquired the land measuring 48.588 acres in village Kaimbwala, UT, Chandigarh including the land of the petitioner and his wife for public purpose for 'Protection of Environment for Sukhna Lake'. The award was passed on 2.6.2003 (Annexure P-1). The petitioner and his wife filed a reference under Section 18 of the Act for enhancement of compensation which was referred to the District Judge, Chandigarh. The

Additional District Judge, Chandigarh vide orders dated 18.3.2011 (Annexures P-2 and P-3) dismissed the reference on the ground of limitation. The petitioner filed an application dated 16.8.2011 (Annexure P-4) under Section 28-A of the Act to the respondent for re-determination of the amount of compensation of the land in question in terms of the award dated 29.4.1986, passed by the Additional District Judge, Chandigarh in LAC No. 706 of 29.7.2010/27.4.2006. Even the appeal filed by other landowners had also been decided by this Court vide judgment dated 2.2.2016 (Annexure P-5) in RFA No. 3431 of 2011 in which compensation has been enhanced. However, no action has so far been taken on the application, Annexure P-4, moved by the petitioner. 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 an application dated 16.8.2011 (Annexure P-4) to the respondent, 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 the respondent to decide the application dated 16.8.2011 (Annexure P-4), 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 20, 2016
gbs

(RAJ RAHUL GARG)
JUDGE