

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10742 of 2016

Date of Decision: 27.5.2016

Dayal Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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. R.S. Manhas, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of 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 the respondents to acquire his land measuring 8 kanals comprised in khasra No. 201, situated at village Thara Upperla Tika Phangoh occupied by the respondents by raising construction for Fire Station without payment of compensation or in the alternative to vacate the land in question and handover the possession to the petitioner.

2. The petitioner is owner in possession of the land measuring 28 kanal 16 marlas comprised in khasra No.210 situated within the revenue estate of village Thara Upperla Tika Phangoh, Tehsil Dhar

Kalan, Hadbast No. 399, District Pathankot as per the jamabandi for the year 2011-12 (Annexure P-1). State of Punjab, Department of Irrigation decided to construct Ranjit Sagar Dam over river Ravi and for public purpose, the land of three States, i.e. Jammu and Kashmir, Himachal Pradesh and State of Punjab was acquired vide different notifications within 20 years and the land of the petitioner to the extent of 40 acres was also acquired vide different notifications in village Thara Upperla Tika Phangoh. The respondents took the land measuring 8 kanals of the petitioner without issuing any notification and without payment of compensation for Fire Station for Ranjit Sagar Dam. The petitioner moved an application dated 14.3.2014 (Annexure P-2) under the Right to Information Act, 2005 for information regarding 8 kanals of land which has not been acquired but the same has been taken for construction of Fire Station for Ranjit Sagar Dam. The same application was forwarded to respondents No.3 and 4 vide letter dated 18.7.2014 (Annexure P-3) to provide the information to the son of the petitioner. However, no such information was provided to the petitioner. Thereafter, the petitioner served a legal notice dated 17.2.2016 (Annexure P-4) upon the respondents for acquisition of land or to vacate the same, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 17.2.2016 (Annexure P-4) to the respondents, 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.1 to

take a decision on the legal notice dated 17.2.2016 (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 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE