

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10787 of 2016

Date of Decision: 27.5.2016

Sangram Singh and others

....Petitioners.

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 petitioners have prayed for issuance of a writ in the nature of mandamus directing respondent No.3 to make the payment of compensation determined under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act") vide award dated 22.3.2005 passed by the Additional District Judge, Gurdaspur in LAC No. 862 of 1997 decided on 6.5.1999 which has further been enhanced by this Court in RFA No. 2921 of 1999 decided on 4.3.2015.

2. Petitioner No.1 was owner in possession of the land measuring 54 kanal 12 marlas situated within the revenue estate of village Adial and the predecessors of petitioners No.1 to 5, namely, Smt.

Bishno Devi was owner in possession of the land measuring 22 kanal 18 marlas and her estate vested in the petitioners in equal shares. Government of Haryana vide notifications dated 17.3.1994 issued under Section 4 of the Act and dated 15.6.1994 under Section 6 of the Act acquired the land of the petitioners. Respondent No.3 vide award dated 29.8.1996 awarded compensation to the petitioners. The petitioners had not filed any reference under Section 18 of the Act whereas some other landowners filed reference under Section 18 of the Act and the Additional District Judge, Gurdaspur vide award dated 6.5.1999 (Annexure P-1) passed in LAC No. 862 of 1997 enhanced the compensation to ₹ 1000/- per marla. Thereafter, the petitioners filed an application under Section 28-A of the Act for re-determination of the compensation on the basis of award dated 6.5.1999 (Annexure P-1). Respondent No.3 vide award dated 22.3.2005 (Annexure P-2) re-determined the compensation under Section 28-A of the Act. In pursuance thereto, the petitioners were paid compensation of ₹ 72,92,036/- without any interest as per statement of compensation, Annexure P-3. As per statement of interest, Annexure P-4, the petitioners were not paid the interest amounting to ₹ 1,85,152/- for the period from 29.9.2010 to 4.8.2011. The other landowners filed appeals before this Court including RFA No. 2921 of 1999 and this Court vide award dated 4.3.2015/16.3.2009 (Annexure P-5) enhanced the compensation from ₹ 1000/- per marla to ₹ 1754/- per marla. Thereafter, the petitioners moved a representation dated 17.5.2016 (Annexure P-6) to respondent No.3 for release of enhanced compensation in view of RFA No. 2921 of 1991 decided on 4.3.2015, 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 representation dated 17.5.2016 (Annexure P-6) to respondent No.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.3 to take a decision on the representation dated 17.5.2016 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioners are found entitled to the amount of enhanced compensation, the same be released to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE