

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11079 of 2016

Date of Decision: 30.5.2016

Baltej Singh

....Petitioner.

Versus

State of Haryana 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. Sandeep Punchhi, 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 of mandamus directing respondents No.1 and 2 to decide his claim raised vide representation dated 27.8.2011 (Annexure P-5) and legal notice dated 6.2.2014 (Annexure P-7) for compensation of the land acquired vide notification dated 12.9.2008 being a tenant to the extent of 173/634 shares in the land measuring 29 kanal 5 marlas situated in village Vaidwala, Tehsil and District Sirsa.

2. The petitioner is owner to the extent of 461/634 share in the total land measuring 29 kanal 5 marlas and is also tenant on the land to the extent of 173/634 share under respondent No.3 as per jamabandi for

the year 2011-12 (Annexure P-1). The petitioner is cultivating the land in dispute under respondent No.3 to the extent of 173/634 share since 2002 onwards and is paying the share of produce to the extent of 1/3rd share. The Public Works Department (B&R), Branch Circle, Hisar vide its notification dated 12.9.2008 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 15.6.2009 (Annexure P-3) under Section 6 of the Act acquired the land of village Vaidwala, Tehsil and District Hisar including the land of the petitioner for the purpose of bye-pass at Sirsa. The award was passed on 29.6.2011 (Annexure P-4). The petitioner was paid compensation to the extent of 461/634 share as owner and was not paid compensation for the land which was under his cultivation as tenant. The petitioner moved representations dated 27.8.2011 (Annexure P-5) and dated 5.2.2012 (Annexure P-6) to respondent No.2 for apportionment of compensation under Section 30 of the Act, but to no effect. Thereafter, the petitioner served a legal notice dated 6.2.2014 (Annexure P-7) for sending the reference under Section 30 of the Act to the Court, but no response has so far 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 moved representations dated 27.8.2011 (Annexure P-5) and dated 5.2.2012 (Annexure P-6) and thereafter, served a legal notice dated 6.2.2014 (Annexure P-7) upon 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 representations dated 27.8.2011 (Annexure P-5) and dated 5.2.2012 (Annexure P-6) followed by a legal notice dated 6.2.2014 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.3 within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 30, 2016
gbs

(RAJ RAHUL GARG)
JUDGE