

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12098 of 2016

Date of Decision: 3.6.2016

Hari Chand

....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. Sudhir Aggarwal, 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 send the reference under Section 18 of the Land Acquisition Act, 1894 (in short "the Act") filed by the petitioner to the reference Court (District Judge, Gurgaon) or to release the compensation awarded by the reference Court vide award dated 18.2.2016 (Annexure P-5) to the similarly situated persons.

2. The petitioner was owner of the land measuring 1 kanal 16 marlas situated within the revenue estate of village Budhera, Tehsil and District Gurgaon. The said land was acquired by the State of Haryana vide notifications dated 11.6.2004 issued under Section 4 of the Act and dated 4.11.2004 (Annexure P-2) under Section 6 read with Section 17(2) (c) of the Act for public purpose, namely, for construction of STP

Irrigation Channel. The award was passed on 3.5.2006 (Annexure P-3). The petitioner filed reference dated 9.6.2006 (Annexure P-4). The reference Court vide award dated 18.2.2016 (Annexure P-5) enhanced the compensation to ₹ 17,55,000/- per acre on the basis of earlier award dated 28.4.2012 passed in the reference filed by the other landowners. On coming to know that his reference has not been sent to the reference Court, the petitioner sent a letter dated 12.5.2016 (Annexure P-6) to respondent No.2 for forwarding the reference to the reference Court, but no response has been received till date. The letter, Annexure P-6, was sent through registered post vide postal receipts dated 13.5.2016 (Annexure P-7). 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 letter dated 12.5.2016 (Annexure P-6) to 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 letter dated 12.5.2016 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**June 3, 2016**  
gbs

**(RAJ RAHUL GARG)**  
**JUDGE**