

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 138 of 2016

Date of Decision: 28.3.2016

Swaran Singh

....Petitioner.

Versus

The 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. Vikram Anand, 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 respondents No.1 to 4 to release the amount of compensation of land measuring 114.6 marlas (0.2885 hectares) and 85.478 marlas (0.2162 hectares) situated at village Rakh Jhita in lieu of his acquired land.

2. The petitioner is owner of the land situated in village Rakh Jhita since 1950s and sold a part of his land to one Inder Singh which is now owned by his legal heirs, i.e. respondents No.5 to 10. The other part of the land owned by the petitioner was cultivated by respondents No.5 to 10 as per jamabandi for the year 2010-11 (Annexure P-1). The

said land was acquired by respondent No.1 to 3 vide notification, Annexure P-2, for widening of the road/four laning of National Highway-15 Section Amritsar to Bathinda from KM 102.585 to 287.565. Respondent No.3 vide letter dated 3.10.2013 (Annexure P-3) informed to the Executive Engineer, Central Works Division No.1, Amritsar that the land in question had been acquired and compensation has to be released. Respondent No.5 to 10 on coming to know about the land being acquired and the compensation to be granted, moved an application before respondent No.3 for omission of the name of the petitioner and entering their names in column No.3 of the jamabandi. The said application was dismissed as withdrawn by respondent No.3 vide order dated 20.7.2015 (Annexure P-4). The petitioner moved an application dated 31.8.2015 (Annexure P-5) to respondent No.2 for release of the amount of compensation of the acquired land, but to no effect. Thereafter, the petitioner served a legal notice dated 12.10.2015 (Annexure P-6) upon respondents No.2 to 4 for release of the compensation amount, but no response has been received till date. 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 31.8.2015 (Annexure P-5) followed by a legal notice dated 12.10.2015 (Annexure P-6) to respondents No.2 to 4, 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.3 to take a decision on the application dated 31.8.2015 (Annexure P-5) and

the legal notice dated 12.10.2015 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to all the concerned parties, i.e., the petitioner and respondents No.5 to 10, within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 28, 2016
gbs

(RAJ RAHUL GARG)
JUDGE