

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17895 of 2016

Date of Decision: 31.8.2016

Shyam Lal and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. R.S. Athwal, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ 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 the respondents to amend the Letters of Intent and allotment letters issued to them as detailed in the writ petition as well as in the legal notice dated 16/29.4.2016 (Annexure P-9) and to issue the amended Letters of Intents and allotment letters qua the residential and commercial plots as detailed in para 11 of the writ petition and legal notice, Annexure P-9 and to refund the amount of ₹ 1,65,000/- taken on account of transfer of two plots inter-se in the names of the petitioners.

2. Government of Punjab through Department of Housing and Urban Development and Greater Mohali Area Development Authority had acquired the land of the area of village Mullanpur Garibdas, Tehsil Kharar, District Mohali for creating and setting up a new residential-cum-

commercial colony called as Eco City-I, New Chandigarh. In the said acquisition scheme, the landowner had the option for land pooling in lieu of compensation. The land of the petitioners came under the said acquisition. Notices under Section 9 of the Land Acquisition Act, 1894 were issued to the petitioners. The petitioners opted for land pooling instead of compensation by moving five applications dated 17.10.2011 (Annexures P-1 to P-5, respectively). The applications Annexures P-1 to P-3, were signed in individually capacity whereas, the applications, Annexures P-4 and P-5 were signed jointly. The respondents issued Letters of Intent to the petitioners in the joint names of all the petitioners instead of issuing separate Letter of Intent with respect to applications, Annexures P-1 to P-3. On the receipt of the Letters of Intent, the petitioners moved various representations (Annexure P-7 Colly) to respondent No.3 for rectification of the said defect. Respondent No.4 vide letter dated 31.8.2015 (Annexure P-8) informed the petitioners that since the draw of Letter of Intent has taken place, no change can be made in the plots. Accordingly, the petitioners served a legal notice dated 16/29.4.2016 (Annexure P-9) upon respondents No.1 to 3 and 5 for amending the of Letter of Intents and allotment letters issued to them, but no response has been received till date. 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 legal notice dated 16/29.4..2016 (Annexure P-9) to respondents No.1 to 3 and 5, 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 legal notice 16/29.4..2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 31, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No