

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2211 of 2016

Date of Decision: 4.4.2016

Nachhittar Singh

....Petitioner.

Versus

Union of India and another

...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: None for the petitioner.

Mr. Chetan Mittal, Assistant Solicitor General for the respondents.

**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 the respondents to decide the application dated 31.7.1991 (Annexure P-2) filed under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act") for re-determination of the compensation amount in view of the judgment dated 9.5.1991 (Annexure P-1) passed by the Additional District Judge, Bathinda qua land measuring 22 kanals owned by the petitioner acquired vide notification dated 25.10.1979.

2. The land measuring 22 kanal 0 marla situated within the revenue estate of village Mehna, Tehsil and District Bathinda was acquired by the respondents vide notification dated 25.10.1979 for the purpose of establishment of Bathinda Cantt. The award was passed on 30.3.1981. The land owners filed reference under Section 18 of the Act before the Land Acquisition Collector for referring the same to District Judge, Bathinda for enhancement of the compensation. The Additional District Judge, Bathinda decided the references and enhanced the amount of compensation against which the landowners approached this Court by way of appeals and this Court also enhanced the compensation amount. One of the landowners, namely, Karnail Singh who filed reference No.47 dated 21.5.1988 before the Land Acquisition Collector for referring the same along with other land references covered under the said notification before the District Judge, Bathinda. When the said reference could not be sent to the District Judge, Bathinda, he filed CWP No. 1618 of 1987 and this Court vide order dated 15.2.1988 allowed the said writ petition with a direction to the Land Acquisition Collector to make the reference to the reference court. In pursuance thereto, the reference was sent to the District Judge, Bathinda and the Additional District Judge, Bathinda vide award dated 9.5.1991 (Annexure P-1) enhanced the compensation amount. The petitioner moved an application dated 31.7.1991 (Annexure P-2) to the respondents under Section 28-A of the Act for re-determination of the compensation amount of the acquired land, but to no effect. However, the petitioner received a notice dated 2.9.1996 (Annexure P-3). Thereafter, the petitioner sent a representation dated 24.1.2014 (Annexure P-4) for deciding the application, Annexure P-2, but no response has been received till date.

Hence, the present writ petition.

3. A perusal of the writ petition shows that for the relief claimed in the writ petition, the petitioner has moved an application dated 31.7.1991 (Annexure P-2) followed by a representation dated 24.1.2014 (Annexure P-4) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the respondents, 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 application dated 31.7.1991 (Annexure P-2) and the representation dated 24.1.2014 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

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

**April 4, 2016**  
gbs

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