

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22937 of 2016

Date of Decision: 7.11.2016

Jyoti Biscuit Bakery 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. Harsh Bunger, 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 frame a Scheme for accommodation to them or any other person who are likely to be displaced by the execution of the Scheme, i.e., “Development Scheme of 16.44 Acres” by the Bathinda Improvement Trust in compliance with the order dated 31.8.2016 (Annexure P-4) passed by this Court in LPA No. 44 of 1990 and other connected petitions. Further, a direction has been sought to the respondents for apportionment of compensation to the petitioners for their acquired land in terms of the judgment of the Apex Court in **Union of India v. Ajit Singh 1998(2) RCR (Civil) 425.**

2. The petitioners are the tenants of the various shops situated in the 'Nehar Wali Market' at Goniana Road, Bathinda as is discernible from

site plan (Annexure P-1) established by the owners of the land and have been in existence for the last around 35 years, i.e., much prior to the framing of the Development Scheme 16.44 Acres by the Bathinda Improvement Trust (in short “the Trust”). As per the photographs (Annexure P-2), the petitioners are running their respective shops and earning their livelihood. The Trust had framed two Development Schemes, namely, Development Scheme of 25.21 Acres and Development Scheme of 16.44 Acres. The shops of the petitioners are being affected on account of execution of the Development Scheme of 16.44 Acres (Annexure P-3). The Trust issued a notification under Section 36 of the Punjab Town Improvement Act, 1922 (hereinafter referred to as “the Act”) followed by notification under Section 42 of the Act for sanction of the scheme by the State Government published on 28.1.1987 for 16.44 Acres Scheme. The award was passed on 23.12.1988 by the Land Acquisition Collector. Both the aforesaid Schemes were challenged before this Court in various writ petitions and the said writ petitions were allowed by this Court. The Trust challenged the said orders in Letters Patent Appeals wherein cross objections were also filed. This Court vide order dated 2.4.2012 allowed LPA No. 44 of 1990 along with other appeals and dismissed the said writ petitions. The landowners challenged the order dated 2.4.2012 in SLP before the Supreme Court and the Supreme Court vide order dated 8.2.2013 set aside the order dated 2.4.2012 and remitted the matters to this Court for fresh consideration. Upon remand, this Court vide order dated 31.8.2016 (Annexure P-4) passed in LPA No. 44 of 1990 and others allowed the LPAs and uphold the acquisition made by the Trust. The petitioners sent a representation dated 3.10.2016 (Annexure P-5) to respondent No.2 for rehabilitation at an

appropriate place on account of dislocation in pursuance to the notification issued in 1976 regarding Town Planning Scheme, but to no effect. Thereafter, the petitioners moved another representation dated 15.10.2016 (Annexure P-6) to the Chief Minister, Punjab for the similar relief, 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 the representation dated 3.10.2016 (Annexure P-5) followed by another representation dated 15.10.2016 (Annexure P-6) to respondent No.2 and the Chief Minister, Punjab, respectively, 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.2 to take a decision on the representations dated 3.10.2016 (Annexure P-5) and dated 15.10.2016 (Annexure P-6), 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

November 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No