

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 24575 of 2015

Date of Decision: 26.4.2016

Anju Chotani

....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. Pavan Malik, Advocate for the petitioner.

Mr. Saurabh Mago, AAG, Haryana.

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 respondent No.2 to disburse/deposit the enhanced compensation in terms of the order dated 28.5.2013 (Annexure P-5) passed in the reference filed by the co-sharer.

2. The petitioner is co-owner to the extent of 13/160 share as per mutation, Annexure P-1, in the land measuring 13 marlas (404 square yards) situated within the revenue estate of village Pawla Khusrupur, District Gurgaon. State of Haryana acquired the said land

vide notifications dated 25.1.2008 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") and dated 18.3.2008 (Annexure P-3) under Section 6 of the Act. One of the co-sharers filed a reference under Section 18 of the Act and the statement dated 2.2.2012 (Annexure P-4) was submitted by respondent No.2. The Additional District Judge, Gurgaon vide award dated 28.5.2013 (Annexure P-5) assessed the value of the acquired land at ₹ 1,41,37,575/- per acre to be paid with statutory benefits. The petitioner made a representation dated 22.7.2015 (Annexure P-6) to respondent No.2 for release of benefits of enhanced compensation in view of the order dated 28.5.2013 (Annexure P-5) passed in the reference filed by the co-sharer, but to no effect. Thereafter, the petitioner sent a reminder dated 19.9.2015 (Annexure P-7) to respondent No.2, but no response has been received. 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 representation dated 22.7.2015 (Annexure P-6) followed by a reminder dated 19.9.2015 (Annexure P-7) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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 representation dated 22.7.2015 (Annexure P-6) followed by a reminder dated 19.9.2015 (Annexure P-7), 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. It is further directed that in case it is

found that the petitioner is entitled to the amount of compensation, the same be paid to her within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

April 26, 2016
gbs

(RAJ RAHUL GARG)
JUDGE