

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2719 of 2016

Date of Decision: 11.2.2016

Jagdev Singh and others

....Petitioners.

Versus

State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Piyush Aggarwal, 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 pay the balance amount of more than ₹ 3,50,00,000/- as per the award dated 2.12.2015 along with statutory interest as per Section 34 of the Land Acquisition Act, 1894 (in short "the Act") and Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Government of Haryana acquired the land of the petitioners. The award was passed on 14.6.2010 (Annexure P-1). The petitioner vide letter dated 10.7.2015 (Annexure P-2) made a request to the respondents for release of the land measuring 3 kanal 16 marlas as the same had become useless for the Haryana Urban Development

Authority (HUDA). When no action was taken, the petitioners filed CWP No. 1893 of 2014 and this Court vide order dated 26.3.2015 (Annexure P-3) disposed of the said writ petition as infructuous as the necessary relief was granted to the petitioners. As per the release order dated 10.7.2015, the petitioners submitted an undertaking in the form of affidavit and deposited a sum of ₹ 20,36,914/- vide demand draft dated 19.12.2015 along with letter vide Annexure P-4 (Colly). The petitioners filed reference under Section 18 of the Act before the Additional District Judge, Gurgaon who vide award dated 30.7.2014 (Annexure P-5 Colly) enhanced the market value of the land along with all statutory benefits. The amount of enhanced compensation has not been paid to the petitioners whereas the amount had been released to the other landowners. The petitioners filed an affidavit dated 30.12.2015 (Annexure P-6) before respondent No.2 for release of the compensation amount after adjusting the compensation received qua the land measuring 3 kanal 16 marlas. State of Haryana, on change of alignment of the road, acquired the land of the petitioners measuring 13 kanal 12 marlas as per jamabandi for the year 2013-14 (Annexure P-7) vide notification dated 20.3.2013 issued under Section 4 of the Act. The award was passed on 2.12.2015 (Annexure P-8). The possession of the land was taken and amount of compensation has not been paid to the petitioners. However, part of the compensation amount was released to the petitioners. The petitioners served a legal notice dated 14.1.2016 (Annexure P-9) upon the respondents for release of the balance compensation amount of the acquired land, 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 14.1.2016 (Annexure P-9) to the respondents, 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 legal notice dated 14.1.2016 (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 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 petitioners are entitled to the amount of compensation, the same be paid to them within next one month, in accordance with law

(AJAY KUMAR MITTAL)
JUDGE

February 11, 2016
gbs

(RAJ RAHUL GARG)
JUDGE