

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2998 of 2016

Date of Decision: 15.2.2016

Inder Pal Singh

....Petitioner.

Versus

State of Haryana 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: Mr. Rajesh Goyal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 send the reference application filed under Section 18 of the Land Acquisition Act, 1894 (in short "the Act") to the reference court for determining the amount of compensation.

2. The petitioner was owner of the land measuring 576 and 816 square yards situated within the revenue estate of village Sonda, Tehsil and District Ambala. The said land was acquired vide notification dated 6.11.2003 issued under Section 4 of the Act. The award was

passed on 26.4.2006 by the Land Acquisition Collector by awarding compensation at the rate of ₹ 8 lacs per acre. Against the award dated 26.4.2006, the petitioner filed two applications under Section 18 of the Act for determining the market value of the plots in question. However, the application dated 25.5.2005 (Annexure P-1) qua the land measuring 576 square yards was referred to the Land Acquisition Collector under Section 18 of the Act who vide order dated 2.2.2011 decided the said reference. The petitioner made enquiries from the office of respondent No.2 regarding the reference of the land measuring 816 square yards. However, the said application was not available in the office of respondent No.2. Thereafter, the petitioner moved another application dated 27.2.2015 (Annexure P-2) for making reference under Section 18 of the Act. The petitioner applied vide application dated 4.3.2014 (Annexure P-3) under the Right to Information Act, 2005 for information as to why the application dated 2.6.2006 has not been sent to the reference court. When no action was taken on the said application, the petitioner served a legal notice dated 7.12.2015 (Annexure P-4) upon respondent No.2 to refer the application to the reference court, but no response has been received till date. 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 legal notice dated 7.12.2015 (Annexure P-4) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 7.12.2015 (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

February 15, 2016
gbs

(RAJ RAHUL GARG)
JUDGE