

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3020 of 2016

Date of Decision: 16.2.2016

Gurdip Singh and others

....Petitioners.

Versus

Union of India 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. Davinder Singh Khurana, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 release the compensation amount as per award dated 10.10.2014 (Annexure P-4) passed by respondent No.3 on the basis of notifications dated 5.7.2013 (Annexure P-2) and dated 4.2.2014 (Annexure P-3) as the possession of the land has already been taken.

2. The petitioners are owners in possession of the land measuring 2 kanal 2 marlas situated within the revenue estate of village Chaudhary Wala, Tehsil and District Tam Taran as per jamabandi for the year 2008-09 (Annexure P-1). The said land was acquired by

respondent No.1. A notification dated 5.7.2013 (Annexure P-2) was issued by respondent No.1 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 4.2.2014 (Annexure P-3) under Section 6 of the Act for acquisition of the land specified in the schedule for building (widening/four laning etc.), maintenance, management and operation of National Highway No.15 on Tam Taran stretch of land from KM 123.100 to 147.500 Km. In pursuance thereto, the respondents took possession of the land and started construction thereon. The award was passed on 10.10.2014 (Annexure P-4) by respondent No.3. The petitioners sent a representation dated 23.12.2015 (Annexure P-5) to respondent No.3 for the release of compensation amount of the acquired land, but to no effect. Thereafter, they moved another representation dated 6.1.2016 (Annexure P-6) to respondent No.3 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 moved representations dated 23.12.2015 (Annexure P-5) and dated 6.1.2016 (Annexure P-6) to respondent No.3, 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.3 to decide the representations dated 23.12.2015 (Annexure P-5) and dated 6.1.2016 (Annexure P-6) filed by the petitioners, 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 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE