

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3143 of 2016

Date of Decision: 17.2.2016

Bhan Chand

....Petitioner.

Versus

State of Punjab 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. JPS Sidhu, Advocate for the petitioner.

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 the respondents to pay the compensation amounting to ₹ 69,25,687/- along with interest of his acquired land measuring 430 marlas (21.5 kanals) for setting up of Peona Power Plant at village Gobindpura, District Mansa as all other co-sharers who were similarly situated had been paid compensation on or after 25.3.2011 in pursuance to the awards dated 25.3.2011 (Annexure P-1/A Colly).
2. The respondents in the year 2011 issued a notification under Section 4 of the Land Acquisition Act, 1894 (in short "the Act")

followed by notification under Section 6 of the Act for acquisition of village Gobindpura, District Mansa including the land of the petitioner for setting up of Thermal Plant at village Gobindpura, Tehsil Budhlada, District Mansa. The awards dated 25.3.2011 (Annexure P-1/A Colly) were passed by respondent No.3. The possession of the land of the petitioner was taken but the amount of compensation was not paid to him. However, all other similarly situated persons had been paid the amount of compensation. One similarly placed person, namely, Babu Singh who had not been granted the compensation for acquisition of his 330 marlas of land, had filed CWP No. 3837 of 2013 and in pursuance to the order of this Court dated 18.7.2013 (Annexure P-2), the respondents had given compensation to him of 37 marlas of land only. Thereafter he had filed COCP No. 3199 of 2013 and was granted compensation for 330 marlas of land. Similarly, CWP Nos. 7437, 23875 of 2014, 4000 and 11703 of 2015 were filed by similarly situated persons for the payment of compensation and this Court vide orders dated 23.4.2014 (Annexure P-3), dated 21.11.2014 (Annexure P-4), dated 25.3.2015 (Annexure P-5) and dated 28.5.2015 (Annexure P-5/A) disposed of the said writ petitions with a direction to the respondents to pass a speaking order regarding their claim and in case they were entitled to compensation, the same be paid to them along with interest and thereafter, they had been paid the compensation. Similarly, Harjinder Singh and others filed CWP No. 14795 of 2014 for release of the balance compensation amount along with interest and this Court vide order dated 30.7.2014 (Annexure P-6) directed the respondents to verify the title of the acquired land and ensure that due amount is paid to all the true owners. However, when they were paid less compensation, they filed COCP No. 3423 of 2014

and the respondents filed reply dated 9.2.2015 (Annexure P-7) to the said contempt petition and paid the amount of compensation. Similarly, Darshan Singh and others filed CWP No. 13072 of 2014 for payment of compensation and this Court vide order dated 10.7.2014 (Annexure P-8) disposed of the said writ petition with a direction to pay the compensation amount along with interest. On filing of COCP No. 2869 of 2014 in CWP No. 13072 of 2014 and COCP No. 3199 of 2013 in CWP No.3837 of 2013, they had been paid the amount of compensation as is discernible from the replies dated 4.12.2014 (Annexure P-9) and dated 21.5.2014 (Annexure P-10) filed in the said contempt petitions. The petitioner moved a representation dated 15.3.2013 (Annexure P-11) for release of the compensation amount to respondents No.2 and 3, but to no effect. Thereafter, the petitioner served a legal notice dated 13.10.2015 (Annexure P-12) to the respondents, 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 15.3.2013 (Annexure P-11) to respondents No.2 and 3 for the payment of compensation, but to no effect. Thereafter, the petitioner served a legal notice dated 13.10.2015 (Annexure P-12) to the respondents, but no action has so far been taken thereon. Reliance was also placed on the order dated 25.3.2015 (Annexure P-5) passed by the Division Bench of this Court in **CWP No. 4000 of 2015** titled as **Bharpur Singh and others v. State of Punjab and others**.

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.3 to

take a decision on the representation dated 15.3.2013 (Annexure P-11) followed by a legal notice dated 13.10.2015 (Annexure P-12), 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. 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 him within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

February 17, 2016
gbs

(RAJ RAHUL GARG)
JUDGE