

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3189 of 2016

Date of Decision: 6.5.2016

Jangir Singh

....Petitioner.

Versus

Union of India 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. Subhash Kumar, Advocate for
Mr. Amit Aggarwal, 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 in view of the award dated 2.11.1998 (Annexure P-1) passed by respondent No.2 for his land acquired vide notifications dated 10.5.1979 and 8.6.1979 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (in short "the Act").

2. The respondents vide notification dated 10.5.1979 issued under Section 4 of the Act followed by notification dated 8.6.1979 under Section 6 of the Act acquired the land of the petitioner for establishment

of Bathinda Cantonment. The award was passed by respondent No.2 on 31.3.1981. The said award was challenged by the respondents before this Court by filing CWP No. 13723 of 1995 which was dismissed. Against the said order, the respondents filed SLP No. 4131 of 1997 and the said SLP was also dismissed by the Apex Court and the parties were directed to appear before respondent No.2 on 22.12.1997. In pursuance thereto, both the parties appeared before respondent No.2 and filed their respective claims. Some of the landowners filed references under Section 18 of the Act for enhancement of the compensation amount. The Additional District Judge vide award dated 29.4.1986 enhanced the amount of compensation. The petitioner filed an application under Section 28-A of the Act for re-determination of the amount of compensation in terms of the award dated 29.4.1986. Respondent No.2 vide award dated 20.11.1998 (Annexure P-1) enhanced the amount of compensation in terms of award dated 29.4.1986 passed by the Additional District Judge. The application under Section 28-A of the Act was filed before respondent No.2 by the father of the petitioner, who unfortunately expired on 29.12.1997 after putting in appearance on 22.12.1997. On coming to know about the passing of the award, Annexure P-1, the petitioner applied for certified copy of the award. On getting the certified thereof, he moved a representation dated 4.5.2013 (Annexure P-2) to respondent No.2 for the release of compensation amount in view of award dated 20.11.1998 (Annexure P-1), 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 4.5.2013 (Annexure P-2) 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 representation dated 4.5.2013 (Annexure P-2), 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 the petitioner is found entitled to the amount of compensation, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 6, 2016
gbs

(RAJ RAHUL GARG)
JUDGE