

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4071 of 2016

Date of Decision: 1.3.2016

Brij Lal and others

....Petitioners.

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. Sandeep Panwar, 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 release them the annuity payment as per policy dated 7.12.2007 (Annexure P-1) along with interest @ 18% per annum from the due date till its realization.

2. Government of Haryana issued a notification dated 9.8.2002 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by a notification dated 8.8.2003 under Section 6 of the Act for acquisition of land including the land of the petitioners for the development of commercial, residential and institutional, Sector 21, Kaithal. The award was passed on 5.8.2005. As per policy dated

7.12.2007 (Annexure P-1), the land owners whose land was acquired were to be paid an annuity for 33 years over and above the usual land compensation which was fixed for ₹ 15,000/- per acre per annum with a increase of ₹ 500/- every year. The petitioners sent a representation dated 30.3.2015 (Annexure P-2) to the respondents for release of annuity payment, 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 representation dated 30.3.2015 (Annexure P-2) 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 representation dated 30.3.2015 (Annexure P-2), 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 the petitioners are found entitled to the annuity payment, the same be released to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

March 1, 2016
gbs

(RAJ RAHUL GARG)
JUDGE