

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4256 of 2016

Date of Decision: 3.3.2016

M/s Verma Transport Company, Chandigarh

....Petitioner.

Versus

Union Territory, Chandigarh

...Respondent.

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. P.C. Dhiman, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this 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 respondent to decide the application dated 14.1.2013 (Annexure P-2) under Section 28-A of the Land Acquisition Act for re-determination of the amount of compensation of the acquired land on the basis of the award dated 15.12.2012.

2. The respondent vide notification dated 22.12.2005 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 22.12.2005 under Section 6 of the Act acquired the land measuring 8.13 acres including the land of the

petitioner of village Mauli Jagran, UT, Chandigarh. The award was passed on 22.3.2006 (Annexure P-1) and the compensation was awarded at the rate of ₹ 19,00,000/- per acre. Against the award, Annexure P-1, the petitioner did not file any reference under Section 18 of the Act for enhancement of compensation, but filed an application dated 14.1.2013 (Annexure P-2) under Section 28-A of the Act for determination of the amount of compensation as the reference Court had enhanced the compensation to the tune of ₹ 29,82,000/- per acre at flat rate vide award dated 15.12.2012 (Annexure P-4). Thereafter, the petitioner served a legal notice dated 24.12.2015 (Annexure P-3) upon the respondent for deciding the application filed under Section 28-A of the Act. Against the award, Annexure P-4, the appeals filed by the landowners as well as by the respondent had been decided by this Court vide order dated 22.9.2015 (Annexure P-5) wherein the compensation was further enhanced to ₹ 43,28,000/- per acre. However, no action has so far been taken on the application dated 14.1.2013 (Annexure P-2) moved by the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 14.1.2013 (Annexure P-2) before the respondent, 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 the respondent to decide the application dated 14.1.2013 (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 three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 3, 2016
gbs

(RAJ RAHUL GARG)
JUDGE