

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4257 of 2016

Date of Decision: 3.3.2016

Krishna

....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 25.1.2010 (Annexure P-6) under Section 28-A of the Land Acquisition Act for re-determination of the amount of compensation of the superstructure.

2. The respondent vide notification dated 3.7.1997 issued under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 30.6.1998 under Section 6 of the Act acquired 60.52 acres of land of village Nizampur Burail and 5 acres of land of village Jhumru, UT, Chandigarh for a public purpose, namely, for

the development of third phase, Chandigarh. The award was passed on 19.1.2000 (Annexure P-1) awarding compensation for the land, fruit, non-fruit trees and scrap value for the super structure . Against the award, Annexure P-1, the petitioner filed a reference under Section 18 of the Act for enhancement of compensation of the super structure. The reference court vide award dated 19.11.2009 (Annexures P-3 and P-4, respectively) dismissed the said reference. In another reference application in LAC No. 826 of 2008, arising out of the same award and the same notification, the respondent had awarded full value assessed by the PWD Department plus 25% increase over and above the compensation assessed by the PWD Department along with statutory benefits. On the basis of the award dated 17.12.2009 (Annexure P-5) passed by the reference court in LAC No. 826 of 2008, the petitioner filed an application dated 25.1.2010 (Annexure P-6) under Section 28-A of the Act for re-determining the amount of compensation of the super-structures, but the same has not been decided. Thereafter, the petitioner sent a legal notice dated 18.12.2015 (Annexure P-7) to the respondent, but no response has been received till date. 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 25.1.2010 (Annexure P-6) 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 25.1.2010 (Annexure P-6), 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