

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5337 of 2016

Date of Decision: 21.3.2016

Kulwant Singh and others

....Petitioners.

Versus

Union of India 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. Joginder Sharma, 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 allot alternative shops to them in lieu of their acquired shops in Red Cross Shopping Complex. Further, prayer has been made for issuance of directions to respondents No.1 to 4 to take a decision on the representations of the petitioners.

2. As per the averments made in the petition, respondents No.1 and 5 vide notification dated 8.9.2014 (Annexure P-1) are acquiring the land survey No. 1946 (Punjab Government) *Gair Mumkin Abadi* 0-3-0.0076 Provincial Government, Punjab over which Indian Red Cross

Society, Moga under respondent No.3 is having a Double Storey Shopping Complex in which the petitioners are running their shops for their livelihood for the last so many years. The petitioners are tenants under Indian Red Cross Society, Moga as per the rental receipts (Annexure P-2 Colly) of petitioner No.1. The petitioners vide resolution dated 5.3.2016 authorised petitioner No.1 to pursue the matter with the administration and in the High Court. Petitioner No.1 made a representation dated 21.9.2015 (Annexure P-5) to respondent No.3 for compensation and rehabilitation of tenant of Red Cross Shopping Complex whose land was acquired by National Highways Authority of India (NHAI) for road No. 95 followed by a reminder dated 16.11.2015 (Annexure P-4) to respondent No.4, but to no effect. Thereafter, petitioner No.1 moved another representation dated 19.11.2015 (Annexure P-3) to respondent No.2. Respondent No.1 vide letter dated 10.12.2015 (Annexure P-6) informed petitioner No.1 that his representation dated 19.11.2015 (Annexure P-3) had been sent to respondent No.3 for necessary action. When no action was taken by the respondents, the petitioners sent a representation dated 3.2.2016 (Annexure P-7) to respondent No.1 with a copy to respondent No.4 for conducting social impact assessment for the affected families on the project- Road No.95, 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 representations and reminder, Annexures P-3 to P-5 and P-7, respectively to respondents No.2 to 4, 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.4 to take a decision on the representations and reminder, Annexures P-3 to P-5 and P-7, respectively, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 21, 2016
gbs

(RAJ RAHUL GARG)
JUDGE