

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6870 of 2016

Date of Decision: 11.4.2016

Joginder Singh and others

....Petitioners.

Versus

State of Punjab 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. R.K. Girdhar, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 make the payment of compensation, solatium and all statutory benefits along with interest for the land utilized by the respondents for the construction of Jand Sahib Minor.

2. The petitioners are owners of the land, as detailed in para 2 of the writ petition, situated within the revenue estate of village Kingra, Tehsil Sadiq, District Faridkot. In the year 1975, the land in question was taken into possession by the respondents for the construction of Jand Sahib Minor and was being utilized for the construction of the minor

without issuing any notification for the acquisition of the same. The petitioners made a number of representations to the respondents for acquisition of the land in question and for payment of compensation. They were asked to first get the demarcation of the land to ascertain as to how much their land had been utilized for the construction of the minor. Accordingly, the petitioners moved an application to the Kanungo, Halqa Sadiq and the Assistant Collector 1st Grade-cum-Naib Tehsildar, Sadiq for demarcation of the land in dispute which was done as per demarcation report dated 12.5.2014 (Annexure P-2). Under similar circumstances, the land of village Chauntran, Chak Ghanda Singh Wala, Teshil Muktsar was taken into possession by the State Government on 15.2.1971 without issuing any notification. However, in the year 1996, the notification was issued. The landowners therein filed a number of writ petitions including CWP No. 12865 of 2000. After the issuance of notice of motion by this Court, the respondents produced cheques in court for the amount of compensation along with interest from the date of possession. Similarly, a number of land owners filed CWP No. 7722 of 2001 claiming compensation for the land taken into possession in the year 1985 without issuing any notification. In that case also, the compensation was paid to the landowners. The land of village Haku Wala, Tehsil Malout District Sri Muktsar Sahib was also utilized by the respondents for construction of Kakhan Wali Minor after taking its possession in the year 1978 without issuing any notification. The landowners of the said village filed CWP No. 15713 of 2006 and this Court vide order dated 23.4.2014 (Annexure P-3) disposed of the said writ petition with a direction to the respondents to determine the market value of the utilized land as on 13.2.1978 and release the compensation

amount to the petitioners therein. The case of the petitioners is fully covered in view of the judgment, Annexure P-3. Accordingly, the petitioners sent a legal notice dated 1.1.2016 (Annexure P-4) to respondents No.2 to 4 for payment of compensation amount, 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 served a legal notice dated 1.1.2016 (Annexure P-4) upon 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.2 to take a decision on the legal notice dated 1.1.2016 (Annexure P-4), 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. It is further directed that in case it is found that the petitioners are entitled to the amount of compensation, the same be paid to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

April 11, 2016
gbs

(RAJ RAHUL GARG)
JUDGE