

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6899 of 2016

Date of Decision: 12.4.2016

Tarlochan Singh

....Petitioner.

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. JPS Sidhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 respondents to pay the balance compensation amounting to ₹ 3,18,402/- along with interest of his acquired land measuring 181 marlas (9.1 kanals) for setting up of Peona Power Plant at village Gobindpura, District Mansa as all other co-owners who were similarly situated had been paid compensation.

2. Respondent No.1 issued notifications dated 15.10.2010 and 17.1.2011 under Section 4 of the Land Acquisition Act, 1894 (in short "the Act") followed by notifications dated 4.1.2011 and 4.3.2011 under

Section 6 of the Act for acquisition of land of village Gobindpura and nearby villages, District Mansa including the land of the petitioner for setting up of Thermal Plant at village Gobindpura, District Mansa. The award dated 25.3.2011 (Annexure P-3) was passed by respondent No.3. The possession of the land of the petitioner was taken on 25.3.2011 and the amount of compensation of ₹ 23,86,685/- was paid to him. Thereafter, the enhanced compensation amounting to ₹ 2,26,250/- was paid to the petitioner as is discernible from the certificate and cheque dated 22.12.2011 (Annexure P-2 Colly). As per the rates fixed vide award, Annexure P-3, the petitioner was entitled to a compensation of ₹ 29,31,337/- whereby he was only paid a sum of ₹ 26,12,935/- by withholding an amount of ₹ 3,18,402/-. The petitioner moved an application dated 17.7.2014 (Annexure P-4) to the XEN, Division Lehal, IR Circle, Patiala for giving detail of type of land and the assessment clerk supplied the said information on the same day, i.e.17.7.2014 (Annexure P-5). Thereafter, the petitioner sent a representation followed by a legal notice to respondent No.3 for payment of balance compensation of the acquired land, but to no effect. One similarly placed person, namely, Babu Singh who had not been granted the compensation for acquisition of his 330 marlas of land, had filed CWP No. 3837 of 2013 and in pursuance to the order of this Court dated 18.7.2013 (Annexure P-6), the respondents had given compensation to him of 37 marlas of land only. Thereafter he had filed COCP No. 3199 of 2013 and was granted compensation for 330 marlas of land. Similarly, CWP Nos. 14795, 7437 of 2014, 11703, 4000 of 2015 and 13072 of 2014 were filed by similarly situated persons for the payment of compensation and this Court vide orders dated 30.7.2014 (Annexure P-

7), dated 23.4.2014 (Annexure P-8), dated 28.5.2015 (Annexure P-9), dated 25.3.2015 (Annexure P-10) and dated 10.4.2014 (Annexure P-11) disposed of the said writ petitions with a direction to the respondents to pass a speaking order regarding their claim and in case they were entitled to compensation, the same be paid to them along with interest and thereafter, they had been paid the compensation. However, when they were paid less compensation, they filed COCP No. 3423 of 2014 and the respondents filed replies dated 21.5.2014 (Annexure P-12) in COCP No. 3199 of 2013 and dated 9.2.2015 (Annexure P-13) in COCP No. 3423 of 2014 and paid the amount of compensation. The petitioner moved a representation dated 8.1.2015 (Annexure P-14) for release of the compensation amount to respondents No.2 and 3, but to no effect. Thereafter, the petitioner served a legal notice dated 13.1.2016 (Annexure P-15) to the respondents, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 8.1.2015 (Annexure P-14) to respondents No.2 and 3 for the payment of compensation, but to no effect. Thereafter, the petitioner served a legal notice dated 13.1.2016 (Annexure P-15) to the respondents, but no action has so far been taken thereon. Reliance was also placed on the order dated 25.3.2015 (Annexure P-10) passed by the Division Bench of this Court in **CWP No. 4000 of 2015** titled as **Bharpur Singh and others v. State of Punjab and others**.

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 respondent No.3 to

take a decision on the representation dated 8.1.2015 (Annexure P-14) followed by a legal notice dated 13.1.2016 (Annexure P-15), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case it is found that the petitioner is entitled to the amount of compensation, the same be paid to him within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

April 12, 2016
gbs

(RAJ RAHUL GARG)
JUDGE