

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7057 of 2016

Date of Decision: 12.4.2016

Bhupinder Singla and another

....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 under the project of constructing Weir and approach channel to feed Banur canal.

2. The petitioners are owners in possession of the land measuring 43 bighas 14 biswas, situated within the revenue estate of village Bakarpur, Tehsil Zirakpur, District SAS Nagar as per the jamabandi for the year 2010-11 (Annexure P-1). Government of Punjab issued a notification dated 24.7.2006 (Annexure P-2) under Section 4 of

the Land Acquisition Act, 1894 (in short "the Act") followed by notification dated 19/21.12.2006 under Section 6(17) of the Act for acquisition of land measuring 66.60 acres situated in the area of village Bakarpur for the construction of Weir and its appurtenants works for converting Banur Canal System from non-perennial to perennial. Some land of the petitioners was also acquired for the said project. The award was passed on 23.7.2008 (Annexure P-3) qua the acquired land measuring 319 bigha 13 biswas (66.59 acres). The acquired land was not utilized by the State Government. Respondent No.3 issued a corrigendum dated 29.3.2016 (Annexure P-4) for the work of 'Converting Banur Canal System from Non-perennial to Perennial by Constructing Left Side and Right Side Guide Banks U/S and D/S of Weir and Approach Channel to Feed Banur Canal'. The respondents have started digging earth from the un-acquired land of the petitioners and have taken possession of the entire land of the petitioners including the un-acquired land as shown in the photographs (Annexures P-5 and P-6, respectively). As per site plan, Annexure P-7, some of the adjoining land to the petitioners shown in magenta colour is owned by M/s Shipra Estate Limited whereas the un-acquired land of the petitioners is shown in yellow colour. The respondents have already raised construction on the acquired land shown in the grey colour and the paths are shown in green colour which have been closed by the respondents due to construction of the project. The petitioners submitted an application dated 28.12.2015 (Annexure P-8) to respondent No.3 for information under the Right to Information Act, 2005 regarding closure of Government/ private paths for the construction of Ghaggar Weir One Project, but to no effect. Thereafter, the petitioners moved a representation dated 10.3.2016 (Annexure P-9) to

respondent No.3 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 sent a representation dated 10.3.2016 (Annexure P-9) to respondent No.3, 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 representation dated 10.3.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners 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 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 12, 2016
gbs

(RAJ RAHUL GARG)
JUDGE