

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7342 of 2016

Date of Decision: 23.4.2016

Raksha Rani Sood

....Petitioner.

Versus

The Land Acquisition Officer, Urban Estate, Panchkula

...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 MR. JUSTICE DARSHAN SINGH.**

PRESENT: Mr. Rohit Sud, 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 respondent to decide the reference dated 17.2.2016 (Annexure P-7) under Section 28-A of the Land Acquisition Act, 1894 (in short "the Act") in view of the order dated 24.1.2011 (Annexure P-2) passed by the Additional District Judge, Ambala.

2. State of Haryana acquired some land of villages Shahpur and Nanhera, Tehsil and District Village including the land of the petitioner vide notification dated 4.12.2000 issued under Section 4 of the Act for the development and utilization of land as residential and

commercial plots. The award was passed on 11.9.2003 (Annexure P-1). The land includes residential plots, commercial plots, agricultural land, tubewells, trees, buildings and other structure belonging to the different land owners. Against the award, Annexure P-1, some of the landowners filed references under Section 18 of the Act which were referred to the District and Sessions Judge, Ambala. The Additional District Judge, Ambala vide award dated 24.1.2011 (Annexure P-2) enhanced the compensation. On coming to know about the said award, the petitioner filed reference dated 11.4.2011 (Annexure P-3) under Section 28-A of the Act. The petitioner received a letter dated 18.6.2013 (Annexure P-3) from the respondent for appearance on 3.7.2013 but no action was taken on the said reference. The petitioner made various communications to the respondent and she received a communication dated 27.3.2015 (Annexure P-5) from the respondent that the award is under challenge before this Court in various appeals including RFA No.2718 of 2015 and no compensation could be made in the reference till the disposal of the case. This Court vide order dated 3.9.2015 (Annexure P-6) dismissed the appeals filed by the landowners as well as the State. Thereafter, the petitioner moved an application dated 17.2.2016 (Annexure P-7) for deciding reference under Section 28-A of the Act, 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 the applications dated 11.4.2011 (Annexure P-3) and dated 17.2.2016 (Annexure P-7) to 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 take a decision on the applications dated 11.4.2011 (Annexure P-3) and dated 17.2.2016 (Annexure P-7), 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.

(AJAY KUMAR MITTAL)
JUDGE

April 23, 2016
gbs

(DARSHAN SINGH)
JUDGE