

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7713 of 2016

Date of Decision: 27.4.2016

Yogender Singh and others

....Petitioners.

Versus

State of Haryana 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. Sanjiv Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the 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 release the interest on the amount of compensation in view of Sections 23(1), 23(1-A) and 28 of the Land Acquisition Act, 1894 (in short “the Act”) from the date of notification till the realization of amount.

2. The petitioners were owners in possession of the land, as detailed in para 2 of the writ petition, situated within the revenue estate of village Kundal, District Sonapat. Their land was acquired by the State Government vide notification dated 1.4.2010 issued under Section 4 of the Act followed by notification dated 4.4.2011 under Section 6 of the

Act. The award was passed on 10.4.2013. The petitioners challenged the said acquisition by filing CWP No. 5863 of 2013 and this Court vide order dated 29.7.2013 (Annexure P-1) while issuing notice of motion granted status quo. The possession of the land in question was taken on 13.11.2013 as is discernible from the photograph, Annexure P-11. Thereafter, the said writ petition was dismissed as withdrawn vide order dated 7.1.2016 (Annexure P-2) qua petitioners No.20 to 24 therein. The petitioners made references under Section 18 of the Act for enhancement of the compensation amount including reference dated 2.5.2013 (Annexure P-3). Notices dated 31.3.2013 (Annexures P-4 to P-10, respectively) were issued under Section 9 of the Act. Accordingly, the petitioners sent a representation dated 12.2.2016 (Annexure P-12) to respondents No.1 and 4 for payment of interest on the amount of compensation from the date of notification till payment, 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 moved a representation dated 12.2.2016 (Annexure P-12) to respondents No.1 and 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 representation dated 12.2.2016 (Annexure P-12), 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 interest on the amount of compensation, the same be paid to them within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

April 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE