

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7736 of 2016

Date of Decision: 27.4.2016

Jaswinder 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.S. Chauhan, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. The petitioners, in this writ petition filed under Articles 226/227 of the Constitution of India, have prayed for a direction to the respondents to release the compensation amount to them which has not been released despite the representation dated 9.10.2015 (Annexure P-2) made by them and the orders dated 19.8.2015 (Annexure P-1) and dated 17.12.2015 (Annexure P-3) passed by this Court.

2. The land of the petitioners was taken by the Municipal Council, Derabassi for widening of Harbatpur to 60 feet but no compensation has been paid till date. The road start from Old Kalka Road upto municipal limit which was extended twice by issuing notifications dated 12.2.1993 and 30.7.1999. After conducting the survey regarding the land required for each building/unit for widening of

the road upto 60 feet, the possession of the land of the petitioners was taken. The Municipal Council, Derabassi passed the order dated 11.12.2006 to the effect that the development charges of Raglan Construction Private Limited in respect of their Group Housing Project, "Gulmohar City Apartments", Derabassi have been deposited with the office of Municipal Council, Derabassi vide file dated 3.3.2005. Therefore, the Municipal Council, Derabassi has no objection if after treating the sewerage water through treatment plant, the treated water in respect of the sewerage connection of this Group Housing Scheme is discharged with the sewerage of the Municipal Council. M/s Raglan Infrastructure Limited and others challenged the said order by filing CWP No. 18952 of 2006 and this Court vide order dated 23.11.2009 disposed of the said writ petition in view of the statement made by the Executive Officer, Municipal Council, Derabassi. Accordingly, the Municipal Council, Derabassi issued a show cause notice on 16.12.2009 for making compliance of the order dated 23.11.2009 and for demolition of the buildings. The said show cause notice was challenged in CWP No. 1271 of 2011 by M/s Mohindra Cranks Private Limited. This Court vide order dated 19.8.2015 (Annexure P-1) disposed of the writ petition by recording as under:-

"We, thus, dispose of this writ petition with a direction to the State Government to re-visit the whole issue and evolve more than one modes of compensation including the revised FAR. The nature of compensation, having regard to the facts and circumstances of each case can vary. The mode of compensation must effectively address the need of

affected land-owners. Such a comprehensive policy decision would further set an example for the State to carry out such like development activities in other parts of the State as well.”

3. The petitioners made a representation dated 9.10.2015 (Annexure P-2) to the respondents for implementation of the order dated 19.8..2015 (Annexure P-1) passed by this Court in CWP No. 1271 of 2011 and to release the amount of compensation, but no response has been received till date. Hence, the present writ petition.

4. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 9.10.2015 (Annexure P-2) to the respondents, but no action has so far been taken thereon.

5. 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.1 to take a decision on the representation dated 9.10.2015 (Annexure P-2), 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.

(AJAY KUMAR MITTAL)
JUDGE

April 27, 2016
gbs

(RAJ RAHUL GARG)
JUDGE