

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8084 of 2016

Date of Decision: 29.4.2016

Gurmail 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. JPS Sidhu, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ 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 pay the compensation amounting to ₹ 97,60,388/- along with interest of their acquired land measuring 606 marlas (30.3 kanals) for setting up of Peona Power Plant at village Gobindpura, District Mansa as all other co-sharers who were similarly situated had been paid compensation on or after 25.3.2011 on passing of the award dated 25.3.2011 (Annexure P-1/A).

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 petitioners for setting up of Thermal Plant at village Gobindpura, District Mansa. The petitioners filed objections under Section 5-A of the Act which were rejected. The award dated 25.3.2011 (Annexure P-1/A) was passed by respondent No.3. A policy dated 8.11.2011 (Annexure P-1/C) was framed to give Government job to one family member against the land acquired and thereafter number of persons had been appointed against the land acquired and the petitioners had been discriminated by not entertaining their applications for Government job. As per jamabandi for the year 2011-12 (Annexure P-1 Colly), the land of the petitioners had been acquired. The possession of the land of the petitioners was taken and they had not been paid compensation for their acquired land. However, all other similarly situated persons had been paid the amount of compensation as per Roll (Annexure P-1/B). 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-2), 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. 7437, 23875 of 2014, 4000, 11703 of 2015 and 18706 of 2014 were filed by similarly situated persons for the payment of compensation and this Court vide orders dated 23.4.2014 (Annexure P-3), dated 21.11.2014 (Annexure P-4), dated 25.3.2015 (Annexure P-5),

dated 28.5.2015 (Annexure P-5/A) and dated 3.9.2016 (Annexure P-6) 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. Similarly, Harjinder Singh and others filed CWP No. 14795 of 2014 for release of the balance compensation amount along with interest and this Court vide order dated 30.7.2014 (Annexure P-7) directed the respondents to verify the title of the acquired land and ensure that due amount is paid to all the true owners. However, when they were paid less compensation, they filed COCP No. 3423 of 2014 and the respondents filed reply dated 9.2.2015 (Annexure P-8) to the said contempt petition and paid the amount of compensation. On filing of COCP No. 3199 of 2013 in CWP No.3837 of 2013, they had been paid the amount of compensation as is discernible from the reply dated 4.12.2014 (Annexure P-9) filed in the said contempt petition. The petitioners moved a representation dated 13.5.2014 (Annexure P-10) for release of the compensation amount to respondents No.2 and 3, but to no effect. Thereafter, the petitioners served a legal notice dated 13.1.2016 (Annexure P-11) to the respondents, but no response has been received. 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 13.5.2014 (Annexure P-10) to respondents No.2 and 3 for the payment of compensation, but to no effect. Thereafter, the petitioners served a legal notice dated 13.1.2016 (Annexure P-11) 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-5) 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 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.3 to take a decision on the representation dated 13.5.2014 (Annexure P-10) followed by a legal notice dated 13.1.2016 (Annexure P-11), 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 29, 2016
gbs

(RAJ RAHUL GARG)
JUDGE