

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9540 of 2016

Date of Decision: 16.5.2016

Daljit Kaur Grewal 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. H.S. Grewal, 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 direction to respondents No.1 to 4 to acquire their land measuring 9 marlas in khasra No. 17//1/2(7-2) of village Sambhalaki, District SAS Nagar, Mohali under Section 84 of the Punjab Regional Town Planning and Development Act, 1995 (in short "the 1995 Act") having become unusable due to the land earlier acquired for the road.

2. The petitioners are owners of the land situated at village Sambhalaki and are cultivating the same and have also planted fruit orchards. The respondents acquired the land of the petitioners measuring 11 kanal 15 marlas for construction of a 100 feet Sector road

connecting in Sectors 79/80, 85/86 and Junction leading to Landran-Banur Road at SAS Nagar, Mohali vide notification dated 16.12.2008 issued under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 27.2.2009 under Section 6 of the Act. The award was passed on 12.3.2010 (Annexure P-1). Thereafter, notifications under Sections 4 and 6 of the Act were issued for acquisition of land of the petitioners measuring 1 kanal 8 marlas. The award was passed on 12.9.2013 (Annexure P-2). Vide award dated 31.12.2013 (Annexure P-3), the land of the petitioners measuring 3 marlas was acquired. The petitioners along with others challenged the said acquisition by filing CWP No. 12939 of 2014 and this Court vide order dated 9.7.2014 (Annexure P-5) disposed of the said writ petition with a direction to respondents No.1 and 3 to verify and decide the claim of the petitioners therein. When no action was taken, the petitioners filed COCP No. 1003 of 2015 in which notice was issued. During the pendency of the COCP, respondent No.2 vide order dated 15.7.2015 (Annexure P-6) rejected the claim of the petitioners. After acquisition, the land of the petitioners had been split into two parts either side of road leaving only 9 marlas of land on one side as is discernible from the site plan, Annexure P-7. The petitioners moved an application dated 4.9.2015 (Annexure P-8) before respondent No.3 under Section 84 of the 1995 Act for acquisition of 9 marlas of land, 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 moved an application dated 4.9.2015 (Annexure P-8) under Section 84 of the 1995 Act 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.3 to take a decision on the application dated 4.9.2015 (Annexure P-8), 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

May 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE