

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1049-2017

Date of decision: 14.02.2017

Amarjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. BS Toor, Advocate for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Mandamus*, directing the respondents to pay 10% non-litigation premium for the land acquired by the Government to the petitioner.

2. The petitioner was owner of ½ share of land measuring 0B-6B-0B comprised in Khasra No. 1712, Khewat No. 2307, Khatauni No. 2968 situated in village Gill-II, Hadbast No. 263, Tehsil and District Ludhiana. The said land of the petitioner was acquired in the year 2009 by the Land Acquisition Collector, Urban Development Department, Punjab, District Ludhiana by passing the Award dated 07.08.2010 (Annexure P-1). On the said land owned by the petitioner, there was a boundary wall of 7 feet high on all sides measuring ½ share i.e. 752 running yards and ½ share in the bore and room, but no compensation had been awarded with regard to said

boundary wall and bore. An account payee cheque No. 370085 dated

22.09.2011 amounting to ₹ 63,89,998/- was issued in favour of the petitioner through her GPA Sh. Charan Singh S/o Sadda Singh in terms of the Award Annexure P-1 and the said amount was transferred in the account of the petitioner. However, the aforesaid Award was not challenged by the petitioner till date. At the time of acquisition, the petitioner had submitted an affidavit dated 03.07.2012 (Annexure P-2) for grant of non-litigation compensation which was accepted by the respondents but no compensation had been awarded to the petitioner till date. As per policy dated 06.12.2006 (Annexure P-3) for better compliance and for reducing delay in land acquisition due to Court intervention, 10% of the total amount of the Award should be given to the petitioner as non-litigation premium. The petitioner had approached the respondents for grant of non-litigation premium but the respondents gave an excuse that they are not able to find the affidavit submitted by her regarding non-litigation premium. Thereafter, the petitioner had submitted a representation dated 08.09.2016 (Annexure P-4) before respondent No. 4, 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 had already made a representation dated 08.09.2016 (Annexure P-4) to respondent No. 4, 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 respondent No. 4 to decide the representation dated 08.09.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of

hearing to the petitioner within a period of four months from the date of receipt of certified copy of this order.

(AJAY KUMAR MITTAL)
JUDGE

February 14, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No