

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.15571 of 2017
Date of decision: 19.07.2017

Joginder Tyger and another	Versus	... Petitioners
Union of India and others		... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Karan Gupta, Advocate for the petitioners.

ARUN PALLI J. (Oral)

This is a petition under Articles 226 & 227 of the Constitution of India, praying for a writ in the nature of mandamus directing respondent No.3 i.e. Collector, Land Acquisition, PWD, B&R, Jalandhar, to decide the petition moved by the petitioners under Section 28A(1) of the Land Acquisition Act, 1894 (for short, 'the Act').

The petitioners purport to be the erstwhile land owners. The Land Acquisition Collector, vide award dated 11.11.2002, assessed the acquired land @ ₹ 5,00,000/- per acre. Being aggrieved by the assessment as also the compensation awarded by the Collector, certain other claimant-land owners filed objections under Section 18 of the Act. Concededly, the petitioners never preferred any objection to the award made by the Collector. The Reference Court, vide award dated 30.03.2012 (Annexure P2), enhanced the compensation to ₹ 24,20,000/- per acre. And later in a review application moved by the claimants modified its award vide order dated 12.06.2012 (Annexure P3) and also awarded the statutory benefits. The petitioners purport to have moved the Collector under Section 28A of the Act (Annexure P1, dated 30.08.2012), for re-determination of compensation.

It is maintained that the said application is still pending before respondent No.3 and continues to await adjudication. Meanwhile, in the appeals preferred by the claimants against the award rendered by the Reference Court, this Court, vide order and judgment dated 10.02.2016 (Annexure P4), has further enhanced the compensation to ₹ 1,400/- per sq. yard. The appeals preferred by both the parties against the decision of this Court (Annexure P4) have since been dismissed by the Supreme Court on 23.01.2017 (Annexure P6). The petitioners alleged to have moved another petition on 17.04.2017 (Annexure P5), praying for re-determination of compensation in terms of the decision of this Court, but to no avail. So much so, the legal notice served upon the respondents, dated 23.05.2017 (Annexure P7), has failed to evoke any response. Learned counsel for the petitioners submits that let this petition be disposed of, at this stage, only with a direction to the respondents to consider and respond to his legal notice dated 23.05.2017 (Annexure P7).

In conspectus of the above, the petition is disposed of with a direction to the respondents to consider the grievance of the petitioners and respond to the legal notice dated 23.05.2017 (Annexure P7), that purport to have been served upon the respondents, within a period of six weeks from the receipt of certified copy of this order. Needless to assert that a speaking order shall be passed, in accordance with law, assigning reasons in support thereof.

(Arun Palli)
Judge

July 19, 2017
Rajan

Whether speaking/reasoned:
Whether Reportable:

YES
NO