

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.4447 of 2017

Date of Decision: 6.3.2017

Raju Singh and others

....Petitioners.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. R.S. Manhas, Advocate for the petitioners.

Mr. R.S. Malik, Advocate for respondent No.1.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 make the payment of enhanced compensation enhanced by the Special Land Acquisition Collector, Pathankot vide its award under Section 28-A of the Land Acquisition Act, 1894 (in short “the Act”) along with interest.

2. The petitioners were owners in possession of the land measuring 18 kanal 4 marlas situated in village Phangoli, Hadbast No. 351, Tehsil Pathankot. The respondents vide notification dated 22.2.1991 issued under Section 4 of the Act acquired the land of various villages including the village of the petitioners for defence purposes. The Special Land Acquisition Collector passed the award on 15.3.1993. The petitioners did

not file any reference under Section 18 of the Act whereas some other

landowners filed their references including the reference bearing LAC No. 1669 of 20.4.2001. The Additional District Judge, Gurdaspur vide award dated 5.2.2008 (Annexure P-1) enhanced the compensation to ₹ 1600/- per marla along with all the statutory benefits. The petitioners moved an application under Section 28-A of the Act for redetermination of the compensation on the basis of the award dated 5.2.2008. However, the Land Acquisition Collector vide order dated 22.2.2011 dismissed the said application. The petitioners challenged the said order before this Court vide CWP No. 20686 of 2013 and this Court vide order dated 23.7.2015 (Annexure P-2) set aside the order dated 22.2.2011 and directed the Land Acquisition Collector to decide the matter afresh in accordance with law. Accordingly, the Land Acquisition Collector vide award dated 5.8.2016 (Annexure P-3) allowed the application of the petitioners and enhanced the compensation to ₹ 1600/- per mala. The petitioners filed an application under Section 152 of the Code of Civil Procedure for amendment of the head note which was allowed by the Land Acquisition Collector vide order dated 23.9.2016 (Annexure P-3). Thereafter, the petitioners served a legal notice dated 25.10.2016 (Annexure P-4) upon the respondents for the release of enhanced compensation, but no response has been received till date. 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 legal notice dated 25.10.2016 (Annexure P-4) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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 legal notice dated 25.10.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioners are found entitled to the enhanced amount of compensation, the same be released to them within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

March 6, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No