

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-10294-2018

Date of Decision: 26.4.2018

Nasib Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Hardip Singh, 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 certiorari for quashing the order dated 5.5.2016 (Annexure P-9) passed by respondent No.3. Further, a writ of mandamus has been sought directing the respondents to allot an alternative site as per the minutes of the meeting dated 11.4.2001 (Annexure P-1) in lieu of their acquired land.

2. The petitioners were owners of the *Baras* situated within the revenue estate of Kumbra as per jamabandis for the years 1997-98 (Annexures P-2 and P-3, respectively). The respondents vide notification dated 2.9.1993 (Annexure P-1) issued under Section 6 of the Land Acquisition Act, 1894 acquired the land measuring 126 kanals of the *Baras* of the residents of village Kumbra including the *Baras* of the petitioners. As per the minutes of the meeting dated 11.4.2001 (Annexure P-4), it was decided to rehabilitate the persons and to provide the alternative sites in lieu

of the land of *Baras* acquired by the respondents. The petitioners submitted their applications dated 20.8.2001 (Annexures P-5 to P-7, respectively) to respondent No.3 for the allotment of plots and to intimate the earnest money to be deposited for the same, but to no effect. Accordingly, the petitioners served a legal notice dated 8.9.2016 (Annexure P-8) upon respondent No.3 for the allotment of a plot in lieu of their acquired land, but no response has been received till date. However, respondent No.3 vide order dated 5.5.2016 (Annexure P-9) rejected the claim of petitioners No.1 and 2. 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 the legal notice dated 8.9.2016 (Annexure P-8) 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 legal notice dated 8.9.2016 (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 the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 26, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No