

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

Sailesh Ranjan
2018.12.07 18:20
I attest to the accuracy and
integrity of this document

CWP-23322-2018

Date of decision: 06.12.2018

Hawa Singh & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Vikram Singh, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for payment of annuity along with interest @ 18% per annum and to take action on the legal notice dated 03.07.2017 (Anneuxre P-3) within some specified time, by passing a well reasoned and speaking order.

The case of the petitioners is that land measuring 63 kanals 8 marlas was acquired vide notification dated 05.04.2007. The purpose of acquisition was for establishing the HAFED Sugar Mills. Petitioners had also preferred reference petition before the Reference Court at Karnal and they have been paid the amount of compensation. Claim for annuity is based on the notification dated 07.12.2007 (Annexure P-1) whereby it provides that the policy would be applicable w.e.f. 05.03.2005 and cover all those cases of acquisition in which award of compensation was announced on or after 05.03.2005.

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CWP-23322-2018

-2-

Counsel submits that the said policy has been superseded by the policy dated 09.12.2010, as per the letter dated 07.03.2011. He, accordingly, submits that a legal notice dated 03.07.2017 (Annexure P-3) has already been served upon respondents No.2 & 3 but of no avail and the petitioners would be satisfied if respondent No.2 is directed to decide the issue in question within a fixed time-frame.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioners, since the issue is still pending consideration, this Court is not inclined to call upon the respondents, at this stage, which would only delay the issue further.

Accordingly, the present writ petition is disposed of, with a direction to respondent No.2, to take a decision on the legal notice dated 03.07.2017 (Annexure P-3), within a period of 3 months from the receipt of a certified copy of this order. In case the relief is not liable to be granted, the said respondent shall pass a speaking order and supply a copy of the same to the petitioners, so that they can challenge the same, in accordance with law.

06.12.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*