

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5249-2018

Date of Decision: 6.3.2018

Surinder Kaur and others

....Petitioners.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Sandeep Goyat, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari for quashing the notice dated 23.5.2017 (Annexure P-1) issued by respondent No.3 demanding payment of ₹ 2568/- per square meter as an additional price of the land allotted to them.

2. The petitioners were owners in possession of the plots. Vide notices dated 28.3.2017 and 23.5.2017 (Annexure P-1) issued by respondent No.3, the petitioners were asked to make the payment of 5th enhanced compensation of the acquired land for the development of Sector 10, Urban Estate, Ambala. In compliance with the orders passed by this Court in various writ petitions moved by the landowners, respondent No.2 appointed an Arbitrator vide letter dated 16.10.2009 who vide award dated 14.9.2010 (Annexure P-2) set aside the demand notices dated 15.1.2008 and 27.4.2008 directed to carry out the fresh exercise on the basis of the directions issued in the said award. Feeling aggrieved by the award, Annexure P-2, State of

the Additional District Judge, Ambala who vide order dated 7.10.2013 (Annexure P-3) dismissed the said application. Since there was a delay on the part of the respondents for making payment to the landowners in compliance with the order dated 11.4.2013 (Annexure P-4) passed by the Apex Court, the petitioners were not bound to pay the interest amount for the said four years delayed period. Accordingly, the petitioners sent a legal notice dated 5.11.2017 (Annexure P-5) to respondents No.2 and 3 to withdraw the demand notice for payment of 5th enhancement compensation for the development of Sector 10, Urban Estate, Ambala, 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 served a legal notice dated 5.11.2017 (Annexure P-5) upon respondents No.2 and 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 5.11.2017 (Annexure P-5), 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

March 6, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No