

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.32168 of 2018

Date of Decision: 17.12.2018

Satpal & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

Present: Ms. Savita Dhanda, Advocate for the petitioners

G.S. SANDHAWALIA, J. (Oral)

The petitioners seek a writ in the nature of mandamus under Article 226 of the Constitution of India directing the respondents to release/make payment of annual annuity amount to the petitioners on account of acquisition of their land for construction of Jind-Gohana-Sonepat Railway track. The claim is made on the basis of Rehabilitation and Resettlement of Land-owners-Land Acquisition Oustees Policy dated 09.11.2010 (P3) circulated by the respondent No.1.

The petitioners have pleaded that they were owners of the land, as detailed in para 2 of the writ petition and the land was acquired vide notification dated 13.12.2008 under Section 4 read with Section 17 by resorting to the urgency provisions under the Land Acquisition Act, 1894. The award was passed on 20.08.2009 (P1) and there was a policy dated 07.12.2007 (P2) wherein the benefits of annuity were to be given to the landowners which was revised by subsequent notification dated 09.11.2010.

Counsel submits that on an earlier occasion, a communication had been addressed and a response thereto had been received from respondent No.2 - Department of Railways that CWP No.22342 of 2016 Virender Singh & Ors. vs. State of Haryana & Ors. was pending and action will be taken after the

decision in the said writ petition. It is submitted that the said case has now been decided on 05.07.2018 in which the amounts of annuity had been duly paid after filing of the writ petition. Rather directions were issued that even interest @ 7% p.a. is to be granted from the date it became due i.e. January 2013 onwards and the same was directed to be paid within two months from the date of receipt of certified copy of this order. Counsel further submits that on 24.07.2018 (P4), representation has also been served upon the respondents regarding this aspect and the petitioners would be satisfied if the respondent No.1 takes a decision on the said representation within a prescribed period.

Notice of motion.

On the asking of the Court, Ms. Vibha Tewari, AAG Haryana accepts notice on behalf of respondents No.1&4. Copy supplied. Thus this Court is of the opinion that response is not required from the respondents at this point of time since the decision-making process is still incomplete.

Accordingly, without commenting on the merits of the case and keeping in view the above facts and circumstances, a direction is issued to the respondent No.1 to take decision on the representation (P4) within three months from the date of receipt of certified copy of this order. In case the petitioners are held entitled for payment of annuity, the same shall be released thereafter. However, in case there is any legal impediment and the petitioners are found not entitled for the amount, the respondent shall pass a speaking order and communicate the same to the petitioners.

The writ petition stands disposed of accordingly.

17.12.2018

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No