

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

**CWP-26379-2021 (O&M)
Date of Decision:22.12.2021**

Gaurav Talwar

... Petitioner

Versus

State of Punjab & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present:- Mr. M.S. Batth, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

A writ of mandamus is sought directing the 3rd respondent i.e. Land Acquisition Collector, Urban Development Department, GMADA to grant permission to the petitioner to sell his land pursuant to an application dated 26.10.2021 (Annexure P-3) that has been submitted under Section 11(4) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred to as 'the 2013 Act').

Counsel contends that such application had been made in view of letter dated 23.09.2021 (Annexure P-2) issued by the Chief Administrator, GMADA on the subject of grant of exemption by Land Acquisition Collector under Section 11(4) of the 2013 Act and after issuance of notification under Section 11 of the 2013 Act. Counsel submits that such decision contained in the letter dated 23.09.2021 (Annexure P-2) was even

forwarded to the Deputy Commissioner, SAS Nagar and Land Acquisition Collector concerned.

It is also the assertion made by counsel that similar permissions have been granted by the land Acquisition Collector and who is resorting to a methodology of pick and choose.

In this regard, counsel adverts to a permission letter dated 27.10.2021 placed on record at Annexure P-5.

At this stage, Counsel makes a submission that he would be satisfied if the writ petition were to be disposed of with a direction to the 3rd respondent to take a final decision on the legal notice dated 03.12.2021 (Annexure P-6) that has already been served.

We find such submission to be reasonable and fair.

Accordingly, without even ascertaining the correctness of the averments made in the petition and without opining on the merits of the case, writ petition is disposed of with a direction to respondent No.3 to examine the legal notice dated 03.12.2021 (Annexure P-6) and to take a decision thereupon expeditiously and in any case within a period of four weeks from the date of receipt of a certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

22.12.2021
harjeet

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No