

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

213

CWP-31775-2019 (O&M)

Date of decision: 01.09.2021

NARAYAN SINGH AND OTHERS

..Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. RS Manhas, Advocate for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this petition, the petitioners pray for issuance of a writ in the nature of mandamus directing respondent No.2 to take the decision on the applications submitted by the petitioners under Section 28-A of the Land Acquisition Act, 1894.

While issuing notice of motion on 02.11.2019, the following order was passed:-

Counsel inter alia contends that the land was acquired under Section 4 notification dated 16.06.1994 for the construction of Shahpurkandi Hydel Channel and for the said notification, the Collector had passed an award on 14.12.1996. The amounts had been enhanced in a petition filed under Section 18 of the Land Acquisition Act, 1894 (in short 'the Act') by the other land owners on 24.08.1998 and a subsequent award was passed on 11.12.2007 (Annexure P-1) whereby, Rs.1,600/- per marla was fixed as market value.

The petitioners had filed application under Section 28-A of the Act within the prescribed period of limitation (Annexure P-2) and reply filed by the State was that RFAs were pending. Eventually, the market value as such had been quantified at

Rs.1,754/- per marla on 26.08.2015 and the SLPS of both sides have been dismissed on 20.09.2017 (Annexure P-4).

A representation was filed on 29.12.2017 (Annexure P-5) with respondent no. 2 for decision on the said applications under Section 28-A on account of the litigation having been finalized and land owners were called on 05.01.2018 (Annexure P-6) but has not been acted upon further. Resultantly, the present writ petition.

Notice of motion.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of the respondents and prays for time.

Adjourned to 16.12.2019.

Keeping in view the above controversy, it is expected that respondent no. 2, keeping in view the above facts, shall take further action on the said representation dated 29.12.2017 (Annexure P-5) and the applications under Section 28-A on or before the next date of hearing in case there is no legal impediment.

Learned State counsel has informed the Court that the competent authority has already passed the order dated 24.08.2021 on the applications. She undertakes to supply a copy thereof within one week to the learned counsel representing the petitioners.

Keeping in view the aforesaid facts, no further order is required to be passed.

Disposed of.

All the pending miscellaneous application(s), if any, are also disposed of.

01.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE