

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

CWP No.13229 of 2014(O&M)

Date of decision:18.9.2015

**Cantonment Board, Jalandhar Cantt. through its Executive Officer
....Petitioner**

VERSUS

**Union of India and others
.....Respondents**

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. M.S. Sachdev, Advocate for the petitioner.

Mr. Alok Jain, Advocate for respondent No.1.

Mr. Kamaljeet Dahiya, Advocate for
Mr. Harsh Bhardwaj, Advocate for respondents No.2 and 3.

HEMANT GUPTA, J.(Oral)

The petitioner is an autonomous juristic entity established under the Cantonment Act, 1924 (for short 'the Act').

The land measuring 10.63 acres was acquired for the purpose of six-laning of Panipat – Jalandhar section of National Highway-I. The grievance of the petitioner is that the compensation of 0.157 acres of the land acquired as well as compensation of the super-structure and on account of re-location of sewer line has not been paid to the petitioner. Therefore, the petitioner has sought directions for the payment of compensation.

In reply, it has been pointed out that compensation to the tune of Rs.73.69 crores stands deposited with the State of Punjab as agreed by the landowners including the petitioner and the respondents in the meeting held on 19.10.2012 under the Chairmanship of Hon'ble Deputy Chief Minister, Punjab. The land of the petitioner measuring 0.157 acres is part of the total land for which compensation has been deposited.

Learned counsel for the petitioner contends that the respondents have not paid compensation for super-structure and compensation required for re-location of the sewer line. Such fact is disputed by the counsel for the respondents. But the fact remains that even if no compensation has been assessed or deposited, it is open to the petitioner to raise a dispute regarding non-payment of compensation but, invocation of jurisdiction of this Court for determination and payment of compensation is totally untenable. The petitioners have an effective alternate statutory remedy for redressing of the grievance of the petitioner in respect of the determination of compensation.

It shall be open to the petitioner to seek release of the compensation from the State of Punjab as is stated to be deposited by the National Highway Authority of India.

In view of the above, the present writ petition is disposed of accordingly.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 18, 2015
'D. Gulati'

(SNEH PRASHAR)
JUDGE