

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14585 of 2015

Date of Decision: 22.7.2015

Ram Sarup and others

....Petitioners.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Hardip Singh, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to consider/refer the petitions filed by them to the Principal Civil Court of Original Jurisdiction for adjudication on the issue of apportionment of compensation of the acquired land and for initiating criminal proceedings under Sections 166 and 167 of the Indian Penal Code for framing incorrect document, by not registering the petitions in the office record and referring the same to the Commissioner, Patiala Division, Patiala and then to the Deputy Commissioner, Patiala.

2. Government of India vide notification dated 7.8.2013 issued under Section 3-A of the National Highways Act, 1956 (in short "the Act") followed by notification dated 26.2.2014 under Section 3-D of the Act acquired the land of 10 villages in Tehsil Patran, District Patiala including the land of the petitioners for building (widening/four laning etc.) maintenance, management and operation of National Highway No.71 (52) on the stretch of land from KM 181.805 to 238.695 (Sangrur-Khanauri-Patran Punjab/Haryana Border Section). The award was passed on 7.11.2014 (Annexure P-1). The petitioners have been in

continuing cultivating possession of the land in question and made number of improvements which even culminated into ownership and, therefore, have right, title and interest. They are entitled to receive compensation amount to the extent of 75% of the acquired land. When the respondents did not pay any compensation of the acquired land, the petitioners filed petitions dated 21.1.2015 (Annexures P-2 to P-4, respectively) for apportionment of compensation, but to no effect. Thereafter, the petitioners served a legal notice dated 12.3.2015 (Annexure P-5) upon respondent No.4 for consideration of petitions filed by them for the apportionment of compensation of the land acquired, 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 sent a legal notice dated 12.3.2015 (Annexure P-5) to respondent No.4, 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.4 to take a decision on the legal notice 12.3.2015 (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 certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 22, 2015
gbs

(REKHA MITTAL)
JUDGE