

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6061 of 2015

Date of Decision: 1.4.2015

Rakesh Kumar and others

....Petitioners.

Versus

Union of India and another

...Respondents.

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

PRESENT: Mr. Ravinder Malik, 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 make the payment of compensation to them under protest on account of acquisition of their land detailed in para 1 of the petition along with interest. Further, a writ of prohibition has been sought restraining the respondents from taking the possession of the land in question from the petitioners till the payment of compensation is made.

2. Respondent No.1 issued a notification dated 29.1.2010 under Section 3A(1) of the National Highways Act, 1956 (in short "the Act") to acquire the land situated in Districts Yamuna Nagar, Ambala and Panchkula including the land of the petitioners situated in Mauza Kalanaur, Tehsil Jagadhri, District Yamuna Nagar for widening/fourlining of the National Highway No. 73 on the stretch of land from KM 70.700 to 179.285 (Yamuna Nagar-Panchkula Section). Thereafter, notification dated 24.1.2011 was issued under Section 3C(2) of the Act. The award was passed on 22.2.2013 (Annexure P-3). Against the award, the petitioners filed references under Section 3G(5) of the Act which are pending for consideration before respondent No.2. Since no

compensation was paid to the petitioners, petitioner No.1 moved an application dated 11.3.2013 (Annexure P-4) to respondent No.1 regarding compensation. When no action was taken on the said application, the petitioners filed a representation dated 3.4.2013 (Annexure P-5) before respondent No.2 with a copy to respondent No.1 but no response has so far been received. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 3.4.2013 (Annexure P-5) to the respondents, 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.2 to take a decision on the representation dated 3.4.2013 (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. It is further directed that in case it is found that the petitioners are entitled to the amount of compensation, the same be paid to them within next one month along with interest.

(AJAY KUMAR MITTAL)
JUDGE

April 1, 2015
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(REKHA MITTAL)
JUDGE