

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6106 of 2015

Date of Decision: 20.5.2015

Neelam Kumar Oswal

....Petitioner.

Versus

Union of India and others

...Respondents.

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

PRESENT: Mr. Satbir Rathore, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional Advocate General, Punjab.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing respondent No.3 to decide the representation dated 2.2.2015 (Annexure P-7) and after verifying the ownership, release the amount of compensation along with interest and other statutory benefits as per the Land Acquisition Act, 1894 (hereinafter referred to "the Act") from the date it became due till its realization to him for his land acquired in the year 2004-05 for public purpose, i.e. for widening of Jalandhar-Pathankot NH-1A.

2. The land of the petitioner measuring 58 marlas situated at village Chak Alabaksh, Tehil Mukerian, District Hoshiarpur was acquired by the National Highway Authority of India for the public purpose of

widening and four laning of Jalandhar-Pathankot National Highway vide notification dated 24.12.2004 issued under Section 3-A of the National Highways Act, 1956 (in short "the Act"). The award was passed in the year 2009. Against the award, the petitioner moved an application under Section 3-G(5) of the Act before respondent No.4 for enhancement of compensation of the acquired land. Respondent No.4 vide award dated 1.7.2013 (Annexure P-2) enhanced the compensation at the rate of ₹ 2.50 lac per marla. On the acquired land, there is a Sugar Mill, namely, M/s Oswal Sugar Mills Ltd. owned by the present petitioner. Memorandum of Understand dated 1.4.2000 (Annexure P-3) was executed between the petitioner and Kunal Dharam and Bharti Singh which later on could not be executed due to failure on the part of the vendee to make the payment. Therefore, no sale deed was executed with regard to the acquired land. Since there were several claimants claiming compensation of the acquired land, respondent No.3 made a reference dated 22.9.2010 (Annexure P-4) to District Judge, Hoshiarpur under Section 30 of the Act. During the pendency of the reference, M/s Oswal Sugar Ltd. produced a copy of award dated 25.7.2011 (Annexure P-6) decided by the Arbitrator on its reference, upon which, the reference was sent back to respondent No.3 by the Additional District Judge, Hoshiarpur vide order dated 7.5.2013 (Annexure P-5). Till date, the petitioner has not received the compensation. Accordingly, the petitioner moved a representation dated 2.2.2015 (Annexure P-7) to respondent No.3 for the release of compensation but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation

dated 2.2.2015 (Annexure P-7) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, 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.3 to take a decision on the representation dated 2.2.2015 (Annexure P-7), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case it is found that the petitioner is entitled to the amount of compensation, the same be paid to him within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 20, 2015
gbs

(REKHA MITTAL)
JUDGE