

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6197 of 2015

Date of Decision: 6.4.2015

Harbhajan Singh

....Petitioner.

Versus

Commissioner-cum-Arbitrator, Jalandhar Division, Jalandhar 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.

AJAY KUMAR MITTAL, J.

1. The petitioner by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of Mandamus directing respondent No.1 to decide the claim petition/application dated 23.7.2009 (Annexure P-1) filed by him for enhancement of compensation of his land acquired in the year 2004-05 under the National Highways Act, 1956 (in short "the Act") within a stipulated period.

2. The land of the petitioner measuring 6 marla 5 sarsahi situated in village Darapur, Tehsil Dasuya, District Hoshiarpur was acquired vide notifications dated 24.12.2004 issued under Section 3-A of the Act and dated 11.7.2005 under Section 3-D of the Act for the public purpose of widening and four laning of Jalandhar-Pathankot National Highway. The award was passed on 8.4.2008. The petitioner filed an

application/claim petition dated 23.7.2009 (Annexure P-1) before respondent No.1 for enhancement of compensation of the acquired land who vide award dated 12.6.2011 (Annexure P-2) enhanced the compensation at the rate of ₹ 2,70,000/- per marla. The said award, Annexure P-2, was challenged by the petitioner as well as respondent No.2 before the Additional District Judge, Jalandhar who vide order dated 24.9.2012 (Annexure P-3) set aside the award and remanded the matter back to the Arbitrator for fresh decision within a period of six months from the date of resumption of hearing. Respondent No.1 resumed the hearing of the case on 22.10.2012 and thereafter the matter has been adjourned many times on one pretext or the other. According to the petitioner, till date his case has not been decided. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a claim petition/application dated 23.7.2009 (Annexure P-1) to respondent No.1 for enhancement of compensation of the acquired land and the same was enhanced at the rate of ₹ 2,70,000/- per marla vide award dated 12.6.2011 (Annexure P-2). The said award was challenged by the petitioner and respondent No.2 before the Additional District Judge, Jalandhar who vide order dated 24.9.2012 (Annexure P-3) remanded the matter to respondent No.1 for afresh decision within a period of six months from the date of resumption of hearing. However, the case of the petitioner has not been decided till date.

4. After hearing learned counsel for the petitioner, 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.1 to

decide the case of the petitioner, in accordance with law by passing a speaking order and after affording an opportunity of hearing to him within a period of four months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2015
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(REKHA MITTAL)
JUDGE