

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6337 of 2015

Date of Decision: 6.4.2015

Vikram Singh

....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.

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 release the amount of compensation along with interest and other statutory benefits as per the Land Acquisition Act, 1894 from the date it became due till its realization to him for his land acquired in the year 2009-10 for public purpose, i.e. for widening of Yamuna Nagar-Panchkula NH-73. In the alternative respondent No.3 be directed to take action on the application dated 13.3.2014 (Annexure P-4) filed by the petitioner.

2. The land of the petitioner measuring 3 kanal 13 marlas out of 7 kanal 7 marlas situated at village Bagwali, Hadbast No. 19, District Panchkula was acquired by the National Highway Authority of India vide notification dated 29.11.2010 (Annexure P-1) issued under Section 3-D of the National Highways Act, 1956 (in short "the Act"). The award was passed on 4.2.2013 (Annexure P-2). Till date, the petitioner has not received the compensation. In the land in question, there are five co-sharers including the petitioner. The petitioner has half share in the acquired land and the other four co-sharers have half share. Two co-

sharers, namely, Rameshwar Singh and Baru Singh, out of their share have given some land to the factory on lease. The land in possession of the factory has not been acquired. The partners of the factory had moved an application before respondent No.3 for not releasing the compensation to the land owners whereas the other landowners of the village have already got their compensation. The petitioner has moved an application dated 13.3.2014 (Annexure P-4) 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 an application dated 13.3.2014 (Annexure P-4) to respondent No.3, but no action has so far been taken thereon.

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.3 to take a decision on the application dated 13.3.2014 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner 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 petitioner is entitled to the amount of compensation, the same be paid to him within next one month along with interest.

(AJAY KUMAR MITTAL)
JUDGE

April 6, 2015
gbs

(REKHA MITTAL)
JUDGE