

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7245 of 2015

Date of Decision: 21.4.2015

Balbir Singh

....Petitioner.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

PRESENT: Mr. Sachin Sharma, 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 the respondents to pay the compensation of the acquired land measuring 1 bigha 16 biswas at the enhanced rate of ₹ 2,45,00,000/- per acre as enhanced vide award dated 22.2.2011 and upheld by the Additional District Judge, Mohali vide order dated 16.5.2013 instead of ₹ 1.5 crore per acre after adjusting the amount of ₹ 50,15,625/- already disbursed to him on 19.11.2014 along with interest from the date of taking the possession, i.e. 25.5.2007 till its final payment.

2. Respondent No.1 issued notification dated 22.1.2007 (Annexure P-1) for acquiring the land specified in the schedule attached therewith, situated in 22 villages abutting National Highway 21 and 22, Ambala Chandigarh for four laning the said highway. The land of the

petitioner situated at village Baltana was also acquired for the said purpose. The award was passed on 25.5.2007 assessing the compensation for the land of the petitioner @ ₹ 1,50,00,000/- per acre. Being aggrieved by the said award, the National Highway Authority of India (NHAI) and some landowners consented to refer the matter to an Arbitrator and respondent No.3 was appointed as an Arbitrator. Respondent No.3 vide award dated 26.3.2008 enhanced the rate of compensation of village Baltana to ₹ 7,50,00,000/- per acre. Against the said award, the NHAI and some landowners filed arbitration cases before the Additional District Judge, Mohali who vide order dated 5.8.2010 set aside the award passed by the Arbitrator and issued a direction to the Arbitrator to pass a fresh award after hearing the parties. In pursuance thereto, the Arbitrator vide award dated 22.2.2011 enhanced the compensation to ₹ 2,45,00,000/- per acre for land in Baltana among other villages. The NHAI and some landowners filed cases against the award dated 22.2.2011 before the Additional District Judge, Mohali who vide order dated 16.5.2013 (Annexure P-4) upheld the award dated 22.2.2011 and dismissed all the cases. Respondent No.4 vide notice dated 19.5.2007 (Annexure P-2) directed the petitioner to deliver possession of the land. The petitioner made a representation dated 23.4.2008 (Annexure P-3) to the Sub Divisional Magistrate for getting the demarcation of the land again and the exact/actual land be acquired and compensation be paid as per the acquired land. Since the petitioner was not paid any compensation for land originally acquired in 2007-08 as also the enhanced compensation as per award dated 22.2.2011, he filed CWP No. 27549 of 2013. This Court vide order dated 16.12.2013 (Annexure P-5) disposed of the said writ petition directing

respondents No.2 to 4 to verify the claim of the petitioner and if found correct, determine the amount of compensation that he may be entitled to, in accordance with law. The said decision was to be taken within a period of three months from the receipt of certified copy of the said order. Thereafter, the petitioner moved a representation dated 13.2.2014 (Annexure P-6) to respondent No.4 for the said relief. The respondents disbursed a sum of ₹ 50,15,625/- on 19.11.2014. The petitioner moved an application dated 2.1.2015 (Annexure P-7) under the Right to Information Act, 2005 for information to respondents No.2 to 4 who vide letter dated 7.1.2015 (Annexure P-8) sent the reply to the said application. As the information supplied vide reply dated 7.1.2015 was not sufficient, the petitioner again moved an application dated 4.2.2015. Thereafter, the petitioner sent a representation dated 14.3.2015 (Annexure P-9) to respondent No.4 for payment of the amount of compensation at the enhanced rate, 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 made a representation dated 14.3.2015 (Annexure P-9) to respondent No.4, 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.4 to take a decision on the representation dated 14.3.2015 (Annexure P-9), 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 21, 2015**  
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**(SHEKHER DHAWAN)**  
**JUDGE**