

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 901 of 2015

Date of Decision: 22.4.2015

Guranhat Singh and others

....Petitioners.

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 petitioners.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.2.

None for the other respondents.

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 pay the compensation amount along with interest @ 12% per annum and other statutory benefits from the date it became due till its realization to them for their land which was acquired in the year 2004-05 for public purpose, i.e. for widening of Jalandhar-Pathankot NH-1A or in the alternative, respondents be directed to take action on the legal notice dated 16.7.2014 (Annexure P-10) sent by the petitioners.

2. The land of the petitioners measuring 149 marlas out of 15 kanal 15 marlas situated at village Tikhowal, Hadbast No. 262, District Hoshiarpur was acquired by respondent No.2 vide notification dated

11.7.2005 (Annexure P-1) issued under Section 3-D of the National Highways Act, 1956 (in short "the Act"). The possession of the land was taken but the payment of compensation has not been made to the petitioners till date. While announcing the award of the notification, Annexure P-1, the land of the petitioners was not included in the award. Accordingly, the petitioners sent a letter dated 10.7.2009 (Annexure P-3) to respondent No.3 for re-determination of amount of compensation according to the rates fixed by the Collector qua the land in question. They also sent a letter dated 19.8.2010 (Annexure P-4) to the Tehsildar, Mukerian for not entering the mutation of their acquired land in favour of respondent No.2 unless the compensation is paid to them. Thereafter, petitioners moved an application dated 27.9.2010 (Annexure P-5) under the Right to Information Act, 2005 seeking information as to whether the said land was earlier acquired by any notification, if yes, to supply copy of that notification. In response thereto, respondent No.2 vide letter dated 13.10.2010 (Annexure P-6) informed the petitioners that the land of NH-1A was acquired by PWD B&R, Punjab and the Highway was handed over to NHAI but the notification of land acquired, award and mutation done were not with them. The petitioners moved a representation dated 10.2.2011 (Annexure P-7) to respondent No.3 requesting not to sanction the mutation in favour of respondent No.2 unless the amount of compensation along with interest is paid to the landowners, but no action was taken thereon. Respondent No.3 wrote a letter dated 12.7.2011 (Annexure P-8) to respondent No.2 to verify the ownership of the khasra numbers so that the compensation be paid to the landowners. Since the possession of the land was taken and no amount of compensation was paid to the petitioners, petitioner No.1 sent

a legal notice dated 23.3.2012 (Annexure P-9) to respondent No.2 but to no effect. Thereafter, the petitioners sent another legal notice dated 16.7.2014 (Annexure P-10) to respondent No.2 for making the payment of compensation of the acquired land, but no response has been received till date. Hence, the present writ petition.

5. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 16.7.2014 (Annexure P-10) to respondent No.2, but no action has so far been taken thereon.

6. 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.2 to take a decision on the legal notice dated 16.7.2014 (Annexure P-10), 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 22, 2015
gbs

(REKHA MITTAL)
JUDGE