

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11983 of 2012
Date of decision: 08.11.2016

Surjit Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anurag Jain, Advocate and
Mr. Dishant Rishi, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. AG, Punjab.

Mr. Sandeep Bhardwaj, Advocate
for respondent No.2.

Mr. Sunil K. Sahore, Advocate
for respondent No.3.

Mr. M.C. Berry, Advocate
for respondents No.4 & 5.

RAMESHWAR SINGH MALIK, J. (ORAL)

When this case came up for hearing on 01.09.2016, following order
was passed by this Court: -

*“In compliance of the order dated 10.8.2016 passed by this Court,
affidavit dated 26.8.2016 of Sh. K.D. Chaudhary, Chairman-cum-
Managing Director of Punjab State Power Corporation Limited,
alongwith action taken report Annexure R-1, filed in the Court
today, is taken on record and copy thereof has been supplied to the
learned counsel for the petitioner.*

Learned counsel for respondents No.4 and 5 has handed over bank draft dated 20.8.2016 for an amount of Rs.69,653/- to the learned counsel for the petitioner in the Court today, which has been accepted by him, however, only towards part payment for compensation for the piece of land owned by the petitioner but used by the respondent authorities for erecting electric tower. It is clarified that acceptance of the abovesaid amount by learned counsel for the petitioner shall be without any prejudice to the rights of the petitioner.

Learned counsel for respondent No.3-NHAI as well as learned counsel for respondents No. 4 and 5 jointly pray for short adjournment, so as to enable the authorities to resolve the issue by offering reasonable amount to the petitioner towards compensation for his land.

It is pertinent to mention here that if the reasonable amount is paid to the petitioner, the parties to this avoidable litigation would be saving themselves from another round of litigation for acquiring the piece of land in question.

List on 20.9.2016.”

Again on 20.09.2016, when the case was taken up for hearing, learned counsel for respondent No.3 apprised this Court that the matter was under active consideration of the competent authority. Following order was passed on 20.09.2016, adjourning the case for today: -

“Learned counsel for respondent No.3 submits that in compliance of the order dated 1.9.2016 passed by the Court, a concrete

proposal has been put up by respondents No.4 and 5, which has been forwarded to the competent authority of respondent No.3. He further submits that the competent authority is already seized of the matter and the payment shall be made to the petitioner within next three weeks.

On his request, adjourned to 8.11.2016.

However, petitioner through his counsel is also granted liberty to move an appropriate representation to respondent No.3 through its counsel for consideration of the competent authority.”

In compliance of the abovesaid orders passed by this Court, learned counsel for respondent No.3 has placed before the Court a copy of communication dated 31.10.2016 issued by respondent No.3 to the Chief Engineer/TS, PSPCL, Patiala intimating that an amount of Rs.6,75,000/- has been approved by the competent authority of National Highway Authority of India on account of cost of land owned by the petitioner, on which tower was erected by the respondent authorities. It has further been clarified that after deducting the amount of Rs.69,653/-, already paid to the petitioner vide DD No.59980 dated 20.08.2016, the remaining amount of Rs.6,05,347/- by way of DD No.675203 dated 29.10.2016 has been released in favour of the petitioner, payable at Ludhiana. Original DD No.675203 dated 29.10.2016 in the name of the petitioner has been handed over by learned counsel for the State to learned counsel for the petitioner in the Court today.

In view of the above, learned counsel for respondent No.3 submits that present writ petition has been rendered infructuous and the same may be disposed of, as such.

Faced with the above, learned counsel for the petitioner also fairly states that let the present writ petition be disposed of, in view of the statement made by learned counsel for respondent No.3, but liberty may be granted to the petitioner to pursue his other remedies, if any, before the appropriate forum, in accordance with law.

In view of the abovesaid respective fair statements made by learned counsel for the parties, present writ petition is disposed of, as having been rendered infructuous, however, with liberty, as prayed for.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

08.11.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No