

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 17482 of 2014 (O&M)

Date of decision: 30.03.2016

Ashok Kumar and others

Petitioners.

Vs.

The Commissioner, Rohtak, Division and others

Respondents.

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner (in CWP No. 17482 of 2014) and
Mr. Sumit Gupta, Advocate
for the petitioners (in CWP No. 26701 of 2014)

Ms. Palika Monga, DAG, Haryana.

Mr. Kamaljeet Dahiya, Advocate
for respondents No.4 -NHAI in CWP No. 17482 of 2014.

Mr. S.S.Narula, Advocate
for respondents No.3 to 5 (in CWP No. 26701 of 2014).

AJAY KUMAR MITTAL,J(ORAL)

This order shall dispose of CWP Nos. 17482 and 26701 of 2014 as the learned counsel for the parties are agreed that the issue involved in these petitions is identical. The facts are taken from CWP No. 17482 of 2014.

2. The present petition has been filed under Articles 226/227 of the Constitution of India for quashing the proceedings of meeting held on 08.01.2010 (Annexure P3), proceedings dated 25.06.2010 (Annexure P4) passed by the Committee headed by respondent No.1 and quashing the Awards dated 04.12.2013 (Annexure P1) and dated 10.06.2011 (Annexure P2). Further a writ of mandamus has been sought directing respondent No.3 to determine the amount of compensation of the acquired land by

associating the petitioners/land owners.

3. On 09.04.2015, learned State counsel submitted that the award in the present case was passed on 17.10.2011 and the petitioners had accepted the amount of compensation. It was urged by learned State counsel that the writ petition was not maintainable as the petitioners have approached this Court after accepting the compensation in the year 2014.

4. According to the learned counsel for the petitioners, the matter under Section 3G(5) of the National Highway Act, 1956, is pending before the Arbitrator against the award. He prayed that the petitioners may be allowed to withdraw the present writ petitions. However, a direction be issued to the Arbitrator to decide the case expeditiously. Learned counsel for the respondents have no serious objection.

5. In view of the above, the present writ petitions are dismissed as withdrawn. However, the Arbitrator is directed to decide the case of the petitioners within 3 months from the date of receipt of certified copy of this order in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAJ RAHUL GARG)
JUDGE

30.03.2016
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