

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2356 of 2016

Date of Decision: 19.5.2016

Punna Ram and others

....Petitioners.

Versus

Union of India and another

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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

PRESENT: Mr. Vivek Goyal, Advocate for the petitioners.

Ms. Himanshu Chauhan, Advocate for
Mr. Kamaljeet Dahiya, Advocate for respondent No.1.

Ms. Sudeepti Sharma, DAG, Punjab.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondents to release the compensation amount to them deposited with respondent No.2 for their acquired land.

2. Government of India vide notification dated 11.3.2013 issued under Section 3A(i) of the National Highways Act, 1956 (in short “the Act”) followed by notification dated 7.3.2014 under Section 3-D(i) of the Act acquired the land of the petitioners and their co-sharers

measuring 5 kanal 11 marlas for widening, four lining etc. for maintenance, management and operation of the National Highway-55. The award was passed on 6.1.2015 (Annexure P-1). Respondent No.2 denied to release the amount of compensation to the petitioners on the ground that one of the co-sharers, namely, Shri Telu Ram had filed an application for not releasing the amount of compensation which is pending with them. Said Telu Ram also filed a civil suit dated 15.4.2015 (Annexure P-2) for the land measuring 11 kanal 2 marlas situated in village Lotni, Tehsil Pehowa, District Kurukshetra. In the said civil suit, notice had been issued to the defendants including the petitioners vide order dated 16.4.2015 (Annexure P-3). Vide order dated 7.7.2015, the case was adjourned for filing of written statement and reply to the stay application. Since, there was no stay in the civil suit, the petitioners moved a representation dated 13.7.2015 (Annexure P-5) to respondent No.2 for release of the compensation amount, but to no effect. Thereafter, the petitioners sent a legal representation dated 7.10.2015 (Annexure P-6) to respondents No.1 and 2 for release of the compensation, but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 13.7.2015 (Annexure P-5) to respondent No.2 for the payment of compensation, but to no effect. Thereafter, the petitioners sent a legal representation dated 7.10.2015 (Annexure P-6) to respondents No.1 and 2, but no action has so far been taken thereon.

4. 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 representation dated 13.7.2015 (Annexure P-5) followed by a legal representation dated 7.10.2015 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month 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 in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 19, 2016
gbs

(RAJ RAHUL GARG)
JUDGE