

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3021 of 2016

Date of Decision: 16.2.2016

Simla Devi

....Petitioner.

Versus

Union of India and others

...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. Sherry K. Singla, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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 release the payment of compensation along with all statutory benefits on account of land acquisition for building (widening/four laning etc.), maintenance, management and operation of National Highway No.64 in village Balad Kalan, Tehsil Bhawanigarh, District Sangrur in pursuance to the award dated 15.1.2014 (Annexure P-4) passed by respondent No.4.

2. The petitioner along with respondents No.5 and 6 was joint owner/co-sharer of the total land measuring 12 bigha 12 biswas situated at village Balad Kalan, Tehsil and District Sangrur as per jamabandi for

the year 2012-13 (Annexure P-1). A notification dated 25.5.2012 was issued for acquisition of the land for laying 4-lane of Patiala-Sangrur-Bathinda Section for National Highway No.64 and the land of the petitioner measuring 0.0052 square yards was also acquired. The petitioner moved an application for partition of the suit land in the year 2006 and the Assistant Collector 1st Grade, Sangrur issued Sannad Takseem dated 4.7.2011 (Annexure P-2) and the petitioner was allotted land measuring 4 bigha 11 biswas out of total land measuring 12 bigha 12 biswas by separating from the shares of respondents No.5 and 6. Respondents No.5 and 6 challenged the partition proceedings by filing ROR No. 830 of 2013 before the Financial Commissioner who vide order dated 5.3.2014 (Annexure P-3) granted the status quo. Since the partition proceedings had already been completed, the petitioner was entitled to compensation of the acquired land as per award dated 15.1.2014 (Annexure P-4). However, no compensation has been paid to petitioner. Thereafter, the petitioner moved applications dated 1.6.2015 and 27.1.2016 (Annexure P-5 Colly.) to respondent No.4 for the payment of compensation amount of the acquired land, 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 petitioners has moved applications dated 1.6.2015 and 27.1.2016 (Annexure P-5 Colly.) 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 decide the applications dated 1.6.2015 and 27.1.2016 (Annexure P-5

Colly.) filed by the petitioner, in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two 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 her within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

February 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE