

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 3806 of 2016

Date of Decision: 16.3.2016

Mukesh

....Petitioner.

Versus

District Revenue Officer-Competent Authority, Faridoad 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. Jangvir Singh Hooda, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 amount of compensation.

2. The father of the petitioner, namely, Gyan Chand was owner in possession of the agricultural land measuring 10 kanal 5 marlas situated within the revenue estate of village Sujwari, Tehsil and District Palwal. The said land was acquired for the developmnet of National Highway NE-II (Eastern Peripheral Express- Palwal Section) vide notification dated 21.3.2007 issued under Section 3D of the National Highways Act, 1956 (in short "the Act"). Thereafter, notices dated

11.5.2007 and 17.11.2007 were issued under Section 3G(3) of the Act. Respondent No.1 passed the award dated 4.3.2008 assessing the compensation at the rate of ₹ 16,00,000/- per acre. Being aggrieved with the quantum of compensation, the land owners moved their arbitration petition under Section 3(G) of the Act before respondent No.2. Respondent No.2 vide order dated 19.7.2010 awarded the compensation at the rate of ₹ 22 lacs per acre along with 10%. Still dissatisfied, the landowners filed objection petitions under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act") before the Additional District Judge, Palwal, who vide order dated 27.5.2011 set aside the order dated 19.7.2010 and remanded the matter to respondent No.2 for re-determining the market value in accordance with law. Respondent No.2 vide order dated 13.1.2012 re-determined the market value of the acquired land at the rate of ₹ 35.50 lac per acre along with 10% compensation. Thereafter, the landowners filed objection petitions under Section 34 of the 1996 Act before the Additional District Judge, Palwal who again vide order dated 1.6.2013 set aside the order dated 13.1.2012 passed by respondent No.2 and remanded the matters for re-determining the market value in accordance with law. The petitions filed by the father of the petitioner along with others came up for consideration before respondent No.2. Respondent No.2 vide award dated 2.9.2015 had determined the value of the acquired land at the rate of ₹ 62 lacs per acre along with 10% interest. The father of the petitioner transferred his all movable and immovable properties in favour of the petitioner and the brothers and sisters of the petitioner filed Civil Suit No. 237-A on 22.5.2013 for a decree of declaration and permanent injunction as a consequential relief of the

agricultural land including the acquired land. The trial Court vide judgment and decree dated 22.4.2015 (Annexure P-2) dismissed the said suit. The said judgment and decree, Annexure P-2, attained finality and no further appeal was filed against the same. The father of the petitioner had expired on 1.1.2016 and he had already executed a registered Will dated 26.7.2013 (Annexure P-1) bequeathing all his movable and immovable properties in favour of the petitioner. On the basis of the said Will, mutation No. 2527 was recorded in favour of the petitioner. In this view of the matter, the petitioner was entitled to the amount of compensation but no compensation has been paid to him despite the categoric report of the revenue official that the title of the land in question stood transferred in the name of the petitioner. Thereafter, the petitioner moved a representation dated 11.2.2016 along with reports of the Patwari dated 13.2.2016 and the Tehsildar (Annexure P-5 Colly) to the Tehsildar, Palwal for release of the compensation amount, 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 petitioner has sent a representation dated 11.2.2016 along with reports of the Patwari dated 13.2.2016 and the Tehsildar (Annexure P-5 Colly) to the Tehsildar, Palwal, 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.1 to take a decision on the representation dated 11.2.2016 (Annexure P-5 Colly), 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 him within next one month in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

March 16, 2016
gbs

(RAJ RAHUL GARG)
JUDGE