

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5256 of 2016

Date of Decision: 18.3.2016

Primaldeep Kaur Harika and another

....Petitioners.

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. Harinder Deep Singh Bains, Advocate with  
Mr. Himmat Singh Bajwa, Advocate for the petitioners.

**AJAY KUMAR MITTAL, J.**

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to release them the awarded amount in pursuance to the acquisition of their area vide order dated 3.5.2013 along with compounded interest at the rate of 18% annual from the due date. Further, prayer has been made for a direction to the District and Sessions, Barnala to pass orders for release of the said orders in pursuance to the references dated 9.9.2015 (Annexure P-6) and dated 28.12.2015 (Annexure P-7) forwarded by the Sub Divisional Magistrate, Barnala so that the amount be released to the petitioners.

2. The petitioners are owners of the land measuring 1 kanal 13 marlas situated in village Handiaya, Tehsil and District Barnala. The said land abuts NH-64. For widening of the National Highway, the land abutting NH-64 including the land of the petitioners was acquired vide notification dated 3.5.2013 (Annexure P-1). As per jamabandi for the year 2013-14 (Annexure P-2), the petitioners are owners in possession of the area of 834.66 square yards in hadbast No.58, Khasra No. 217//8/1/1. The decree sheet dated 5.5.1995 (Annexure P-3) shows the father of the petitioners as sole owners of the said land. The award was passed. Respondent No.4 vide letter dated 9.9.2015 (Annexure P-6) referred the disputed matters to the District and Sessions Judge, Barnala for further orders regarding disbursement of compensation. The Sub Divisional Magistrate issued two cheques dated 8.12.2015 (Annexures P-4 and P-5, respectively) amounting to ₹ 86,424/- in favour of the petitioners for the civil structure that stood over the said land. The petitioners appeared before respondent No.4 and requested for the release of the compensation amount. Respondent No.4 vide letter dated 28.12.2015 (Annexure P-7) referred the case of the petitioners to the District and Sessions Judge, Barnala. Petitioner No.1 sent a representation dated 7.2.2016 (Annexure P-8) to respondent No. 4 for release of payment of compensation, but no response has been received till date. 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 7.2.2016 (Annexure P-8) to respondent No. 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 take a decision on the representation dated 7.2.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of certified copy of the order. It is further directed that in case the petitioners are found entitled to the amount of compensation, the same be released to them within next one month, in accordance with law.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**March 18, 2016**  
gbs

**(RAJ RAHUL GARG)**  
**JUDGE**