

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5734 of 2016

Date of Decision: 29.3.2016

Sohan Singh

....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. Dheeraj Mahajan, 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 respondent No.3 to release the amount of compensation as per share to him out of the joint land comprised in khasra Nos. 1087, 1088, 1100, 1104, 1106, 1107, 1108, 1109/1 falling within the revenue estate of village Gurdas Nangal, Tehsil Dhariwal, District Gurdaspur acquired for the Scheme, Improvement and Widening of NH Project-Four Lanning of Pathankot Amritsar Section of NH-15 as no compensation has been paid and actual compensation amount of various cheques in favour of the petitioner has not been released.

2. The land of the petitioner was acquired out of khasra Nos. 1087, 1088, 1100, 1104, 1106, 1107, 1108 and 1109/1 falling within the revenue estate of village Gurdas Nangal, Hadbast No. 348, Tehsil Dhariwal, District Gurdaspur for widening/four lanning, maintenance, management and operations etc. of National Highway No.15. The petitioner moved an application, Annexure P-1, for enhancement of compensation before the Commissioner, Jalandhar Division, Jalandhar exercising the powers of Arbitrator. Originally, Surain Singh being the owner was succeeded by his four sons, namely, Charan Singh, Sowaran Singh, Dalip Singh and Gurbux Singh and, therefore, all the four were entitled to 1/4th share in the compensation. Respondent No.3 in connivance with respondent No.4 had released huge part of compensation amounting to more than ₹ 33 lacs in favour of respondent No.4. The petitioner has not been paid any compensation till date. Accordingly, the petitioner moved various applications under the Right to Information Act, 2005 including the application dated 2.12.2014 (Annexure P-2) for information regarding calculation of compensation and released details of cheque. However, no such information was provided to the petitioner and the petitioner went in appeal, where the matter was remanded back to the concerned authority with the directions to provide information. Accordingly, the petitioner was provided some incomplete information. The details regarding the payment being made to the petitioner and other co-sharers is shown in the land compensation assessment register (Annexure P-3). The cheques of various amount totalling ₹ 1,35,336/- prepared in the name of the petitioner have not been released till date. Accordingly, the petitioner sent a representation dated 15.2.2016 (Annexure P-4) to respondent No.3 for releasing the

cheques and for payment 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 15.2.2016 (Annexure P-4) to respondent No.3, 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.3 to take a decision on the representation dated 15.2.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and other co-sharers including respondent No.4, within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 29, 2016
gbs

(RAJ RAHUL GARG)
JUDGE