

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6848 of 2016

Date of Decision: 11.4.2016

Jawahar Singh and others

....Petitioners.

Versus

National Highway Authority 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. Sonu Giri, Advocate for  
Mr. Sandeep Sharma, 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 of mandamus directing the respondents to pay the compensation amount at the present market rate of the land measuring 0-7 marla situated in village Sujwari, District Pawal after acquisition of the land if the respondents wanted to acquire the land in question.

2. The respondents have issued a notification dated 2.1.2007 (Annexure P-1) under Section 3A(1) of the National Highways Act, 1956 (in short "the Act") followed by notification dated 10.5.2007 under Section 3G(3) of the Act for acquisition of the land including the land of the petitioners measuring 0-7 marla in khasra No. 38//3/2 for the public purpose, namely, for the development and utilization of land for the construction of National Highway from Eastern Periphery Express Way

99.400 kilometer to 134.913 kilometer (Faridabad Section) in District Palwal. The award was passed on 4.3.2008 (Annexure P-3). As per the revenue record, there is 4046.24 square meter in one acre land. The respondents have issued only 834.54 square meter out of 4046.24 square meter in khasra No. 38//3/2 in village Sujwari District Palwal. According to the petitioners, 0-7 marla land in khasra No. 38//3/2 in village Sujwari, District Palwal had not been acquired by the respondents but the respondents are adamant to dispossess them without acquisition of their land. The petitioners moved a representation dated 6.2.2016 (Annexure P-4) to respondent No.2 for the payment of compensation amount according to market rate after acquisition of land measuring 7 marlas situated in village Sujwari, District Palwal, 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 submitted a representation dated 6.2.2016 (Annexure P-4) to respondent No.2, 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.2 to decide the representation dated 6.2.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order.

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

**April 11, 2016**  
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**(RAJ RAHUL GARG)**  
**JUDGE**