

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9096 of 2016

Date of Decision: 11.5.2016

Surjit 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. Satbir Rathore, 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 pay the entire compensation amount along with interest and other statutory benefits in lieu of his land acquired in the year 2004-05 for public purpose for widening of Jalandhar-Pathankot NH-1A or in the alternative to take action on the legal notice dated 27.4.2015 (Annexure P-2).

2. The respondents vide notification dated 24.12.2004 issued under Section 3-A of the National Highways Act, 1956 (in short "the Act") followed by notification dated 11.7.2005 under Section 3-D of the Act

acquired the land various villages including the land of the petitioner and his brother for the public purpose of widening and four laning of Jalandhar-Pathankot National Highway. The award was passed on 8.5.2007. Thereafter, against the said award, National Highways Authority approached the Commissioner, Jalandhar who was appointed as an Arbitrator by the Central Government by moving an application under Section 3-G(5) of the Act. The Arbitrator summoned all the 629 affected landowners and after hearing the concerned parties and landowners decided the application of National Highways authorities vide award dated 28.1.2009. The petitioner and his brother had half share in the land which was acquired and, therefore, the petitioner was entitled to equal compensation as had been granted to his brother. The brother of the petitioner was paid ₹ 7,27,273/- as compensation vide cheque dated 16.4.2009 whereas the petitioner was paid compensation amounting to ₹ 4,54,545/- on 19.8.2010 vide cheque dated 23.7.2010. The petitioner served a legal notice dated 27.4.2015 (Annexure P-2) upon respondents No.2 and 3 for the release of remaining amount of compensation along with interest and statutory benefits, but no response has been received. 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 legal notice dated 27.4.2015 (Annexure P-2) to respondents No.2 and 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 legal notice dated 27.4.2015 (Annexure P-2), in

accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of compensation, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

May 11, 2016
gbs

(RAJ RAHUL GARG)
JUDGE