

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 3621 of 2017

Date of decision : 22.12.2017

Bhupinder Singh & anr.

...Petitioners

V/s

Himanshu Aggarwal & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Satbir Rathore, Advocate for the petitioners.

Mr. Harsimran Singh Sethi, Addl. A.G. Punjab.

Mr. Rishi Kaushal, Advocate for respondent no. 2.

RAJAN GUPTA J.

This order will dispose of bunch of petitions bearing COCP Nos. 3621 to 3638, 3767, 3766, 2849, 2978 to 2994 of 2017, 3129 & 3130 of 2017, as issue of common question of law is involved. For brevity, facts are taken from COCP No. 3621 of 2017. Petitioners allege violation of order dated 24.07.2013 passed by this court, operative part thereof reads as under:-

“The writ petitions are accordingly disposed of with a direction to the respondents that let these petitions be treated as applications on behalf of the petitioners under Sections 23 & 28 of the Land Acquisition Act, 1894 read with National Highways Act, 1956 and their claim regarding grant of solatium and interest be determined within a period of three months from the date of receiving a certified copy of this order. The amount found due shall then be released within a period of one month thereafter.”

Admittedly, after passing of the order the authority determined the compensation payable to the petitioners in lieu of acquisition. Stand of the State is that supplementary awards dated 05.01.2015 & 20.01.2015 were passed as per the directions given by this court. NHAI, however, sought a reference on the ground that compensation determined was on the higher side. After considering the issue, the Commissioner, Jalandhar Division acting as ex-officio arbitrator has considered the matter and vide order dated 20.12.2017 remanded the same to the concerned competent authorities for decision afresh.

Pursuant to order dated 07.12.2017 Mr. Himanshu Aggarwal, (respondent no. 1) is present in court. On instruction from him, Mr. Sethi submits that a fresh order would be passed keeping in view orders passed by this court as well as the Apex court. Needful shall be done within the time frame fixed by the Arbitrator.

Learned counsel appearing for the NHAI submits that a corpus of funds has been kept in a separate account to be disbursed to the claimants as and when the claims mature.

In view of above, no cause of action survives in this petition. It may be ensured that orders passed are complied with in letter and spirit. However, if any cause of action survives, petitioners shall be at liberty to invoke the contempt jurisdiction of this court by way of fresh petition(s).

December 22, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No