

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17941 of 2017
Date of Decision : 11.08.2017.

Mohan Lal

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Karan Gupta, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Article 226 of the Constitution of India praying for a writ in the nature of mandamus directing the respondents-authorities to hand-over the vacant possession of land measuring 4.66 marlas, situated in village Tafazalpura, Tehsil and District Patiala to the petitioner or in the alternative to assess and award an appropriate compensation to the petitioner by invoking the provisions of National Highways Act, 1956 read with The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

All what has been urged by learned counsel for the petitioner is that out of the total land holding of the petitioner measuring 34 kanals $\frac{1}{4}$ marlas, 33 kanals 19 marlas was acquired by the respondents, vide separate awards, under the National Highway Act, 1956. And, the petitioner was

even paid the compensation, therefore. However, in the process, the respondents even usurped his remaining land i.e. 4.66 marlas, which continues to be in their illegal and unauthorized possession. The case of the petitioner is that either the respondents be directed to hand-over the vacant possession of his land or the same be acquired in accordance with law and the petitioner be paid compensation, therefore. It is urged that even the notice, dated 05.07.2017 (Annexure P-6), served upon the respondents in this regard, has failed to evoke any response.

In conspectus of the above, the writ petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the representation/notice, dated 05.07.2017 (Annexure P-6), within a period of two months from the receipt of the certified copy of this order. Needless to assert that a comprehensive order shall be passed, assigning the reasons, in support thereof. And, if necessary, the petitioner shall also be afforded an opportunity of hearing.

11.08.2017

*Manoj Bhutani***(ARUN PALLI)**
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No