

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.20093 of 2017
Date of decision: 06.09.2017

Tarlochan Singh and others

... Petitioners

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gobind Korla, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

Notice of motion.

On the asking of the Court, Mr. Brijeshwar Singh Kanwar, Advocate and Mr. Rishi Kaushal, Advocate accept notice on behalf of respondent No.1 and respondent No.2, respectively. For respondents No.3 & 4 are alleged to be the proforma party, their service is dispensed with.

For the nature of order, I propose to pass in the matter, no formal written statement/counter affidavit is required to be filed on behalf of the respondents, at this stage. And, with the consent of the parties, the petition is being finally disposed of.

Land of the petitioners, situated in Village Rajgarh, Tehsil Payal, District Ludhiana, was acquired for widening of NH-1 i.e. Panipat-Jalandhar Section from KM 96.00 to KM 387.10. The competent authority, vide award dated 03.08.2011, assessed the value of the acquired land. Petitioners were also awarded solatium @ 10%. Being aggrieved by the assessment as also the compensation awarded, the petitioners invoked the

provisions of Section 3G (5) of the National Highway Act, 1956. Resultantly, the Arbitrator-cum-Commissioner, Patiala Division, Patiala, vide award dated 30.08.2013, enhanced the amount awarded on account of solatium from 10% to 30%, in terms of provisions of Section 23(2) of the Land Acquisition Act, 1894. And the objections filed by the respondents under Section 34 of the Arbitration and Conciliation Act, 1996 to the said award had since been dismissed by the Additional District Judge, Patiala, vide judgment dated 30.11.2015.

The limited grievance of the petitioners is that although the arbitral award (Annexure P1) was rendered as back as on 30.08.2013 and had even attained finality, but the petitioners have not yet been disbursed the enhanced amount awarded by the Arbitrator. So much so, even the legal notice, dated 18.04.2017 (Annexure P2), served upon the respondents has failed to evoke any response.

In response, learned counsel for the respondents submit that the notice served upon the respondents dated 18.04.2017 (Annexure P2) shall be considered and decided by the authorities within six weeks from today and the appropriate orders in this regard shall be passed.

In conspectus of the above, the petition is disposed of. Needless to assert that the respondent-authorities shall pass a comprehensive order and assign reasons in support thereof.

September 6, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO