

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

**CWP No.22905 of 2017
Date of Decision : 09.10.2017**

Gurpreet Singh and others

.....Petitioners

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 the land measuring 11 marlas, situated in village Shermajra, Tehsil and District Patiala to the petitioners or in the alternative the petitioners be awarded appropriate compensation 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.

Briefly, the case set out by the petitioners is that they happened to be the co-sharers in a land measuring 7 kanals 18 marlas situated in village Shermajra, Tehsil and District Patiala. Vide award dated 22.09.1986, a part of their land holding was acquired under the Land Acquisition Act, 1894. Subsequently, a part of their remaining land was acquired by respondents No.1 and 2 under the National Highways Act, 1956, for four laning of National Highway No.64. And, vide an award, dated 31.12.2013 (Annexure P-2), value of the acquired land was assessed by the competent authority.

But, as the construction of bypass was not complete in all respects,

resultantly, vide yet another notification, dated 12.02.2016, under Section 3-A, of the 1956 Act, additional land was acquired for extension of Southern bypass. However, the limited grievance of the petitioners is that in the process of acquisition, their land measuring 11 marlas, comprised in khasra No.64//8/3 (2-4), was usurped by the authorities, without any formal acquisition. It is urged that the demarcation report, dated 02.05.2017 (Annexure P-5), fully substantiates the claim of the petitioners. Which is why, it is claimed that the respondents be either directed to hand-over vacant possession of an area measuring 11 marlas or the same be acquired and the petitioners be paid compensation therefore. It is stated that even the notice dated 10.07.2017 (Annexure P-6) served upon the respondents, in this regard has failed to evoke any response.

In conspectus of the above, writ petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the representation/notice dated 10.07.2017 (Annexure P-6) within a period of 3 months from the receipt of the certified copy of this order. And, in the event, the claim of the petitioners is declined or is found to be untenable, needless to assert, the authorities shall pass a comprehensive order assigning reasons in support thereof.

09.10.2017

*Manoj Bhutani***(ARUN PALLI)**
JUDGEWhether speaking/reasoned
Whether reportableYes/No
Yes/No