

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

CWP No.25312 of 2017
Date of decision: 07.11.2017

Bhupinder Singh and another

... Petitioners

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Gurdeep Kaur, Advocate for
Mr. Sandeep K. Sharma, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Article 226/227 of the Constitution of India, praying for a writ of mandamus directing respondent No.3 to refer the dispute as regards apportionment between the petitioners as also other khewatdars and respondent No.4 i.e. Gram Panchayat Village Manpur to the Principal Civil Court of Original Jurisdiction i.e. Court of District Judge, Fatehgarh Sahib.

Vide notification under Section 3A of the National Highway Act, 1956 (for short, 'the Act'), a land measuring 14 kanals 12 marlas was sought to be acquired for construction (widening four/six laning etc.) maintenance, management and operation of National Highway No.95 on the stretch of land from K.M. 19.000 to K.M. 34.700 (Ludhiana-Chandigarh Section). The competent authority, vide award No.1, dated 23.06.2015, assessed the value of the acquired land @ Rs.1,00,00,000/- per acre. Thus, the total compensation awarded for the acquired land was Rs.5,45,00,000/-.

The petitioners purport to be the khewatdars of village Manpur and claimed to have filed an application dated 26.04.2017 (Annexure P2) under Sub Section 4 of Section 3(h) of the Act to the competent authority (respondent No.3) seeking a reference to the Principal Civil Court of Original Jurisdiction for apportionment of compensation. The limited grievance that the petitioners have is that although a considerable time has elapsed, but their application (Annexure P2) has failed to evoke any response.

That being so, and without going into the merits of the claim of the petitioners, the petition is disposed of, at this stage, only with a direction to respondent No.3 that if indeed the application dated 26.04.2017 (Annexure P2) moved by the petitioners is pending consideration, the same shall be considered and dealt with in accordance with law after notice to all concerned. And, the appropriate orders in this regard shall be passed within a period of six weeks from the receipt of certified copy of this order. Needless to assert that if for any reason the competent authority declines to refer the dispute to the Civil Court, it shall assign reason in support of its order.

November 7, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO