

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

CWP No.25654 of 2017
Date of decision: 10.11.2017

Baldev Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Subhash Aggarwal, 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 respondents No.1 to 4 to release the compensation along with interest to the petitioners in lieu the acquisition of their land holding.

Briefly, the case set out in the petition is that petitioners happened to be the co-sharers with respondent No.5 in the land acquired by the respondents under the National Highways Act, 1956 for construction of NH-95. And in proportion to his share in the joint khata respondent No.5 was owner of a land measuring 01 kanal 07 marlas, whereas the rest i.e. 04 kanals 05 marlas was owned by the petitioners. It is contended that although the competent authority had assessed the value of the acquired land, but the petitioners have still not been disbursed the compensation. On the contrary, respondent No.5, in connivance with the revenue authorities, has been released the compensation more than his share. It is maintained that the petitioners had even moved the competent authority i.e. respondent No.2

vide application dated 04.10.2017 (Annexure P4) as regards their grievance but to no avail. So much so, their representation dated 09.10.2017 (Annexure P5) to the Deputy Commissioner, Fatehgarh Sahib (respondent No.3) has also failed to evoke any response.

That being so, the petition is disposed of without examining the matter on merits, at this stage, only with a direction to respondents No.2 & 3 to examine the representations (Annexures P4 & P5) purport to have been made by the petitioners. And appropriate orders, in accordance with law, be passed within six weeks from the receipt of certified copy of this order. Needless to assert that in the event the petitioners, for any reason, are not held entitled to the relief being claimed, the authorities shall pass a comprehensive order assigning reasons in support thereof.

November 10, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO