

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

CWP No. 4650 OF 2017 (O&M)

Date of decision: 07.03.2017

Shimla Devi

.. Petitioner

vs.

Union of India and ors.

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present:- Mr. Sherry K. Singla, Advocate
 for the petitioner.**

Rajesh Bindal, J.

Learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition as the dispute regarding entitlement of compensation has been referred by the Competent Authority to learned District Judge, Sangrur under Section 3H(4) of the National Highways Act, 1956 (for short 'the Act'). He further submitted that though all the land owners except two, accepted the family partition of the land, however, two had challenged the same belatedly before the Financial Commissioner, Punjab. When the reference was made by the Competent Authority on 23.05.2016, the matter was pending. Thereafter, it was decided by the Financial Commissioner on 30.05.2016 (Annexure P-4). The order has not been challenged any further. As the rights of the parties are now crystalized, the petitioner is entitled to receive compensation to the extent of her share after partition.

He further submitted that the petitioner is 75 years of age. No evidence is required as the partition has attained finality, hence, the learned Court below be directed to dispose of the matter expeditiously.

After hearing learned counsel for the parties, however, without expressing any opinion on the merits of the controversy, considering the age of the petitioner, the learned Court below where the matter referred by the Competent Authority under Section 3H(4) of the Act is pending, is directed to dispose of the same, within a period of six months, from the next date of hearing.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

07.03.2017
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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No