

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5490 of 2019

Date of Decision: 26.03.2019

Hemant Kumar Sharma & Anr.

... Petitioners

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. SK Bawa, Advocate for the petitioners

G.S. SANDHAWALIA, J. (Oral)

(1) This writ petition under Articles 226/227 of the Constitution of India seeks a writ in the nature of mandamus directing the respondents to consider and decide the representation dated 18.09.2017 (P5) whereby the petitioner requested for grant of compensation in lieu of their acquired land. The public purpose of acquisition is for extending the National Highway from Jalandhar to Jammu.

(2) After arguing the case for some time, counsel is not in a position to argue as after the award was passed by the Statutory Arbitrator on 24.03.2011, under the National Highways Act, 1956 no further recourse had been taken by the landowners to get the amount enhanced before the Civil Court of original jurisdiction. Merely because the representation has now been filed dated 18.09.2017 (P5) would not be a ground as such to issue any direction after 8 years on the ground that similarly-situated landowners have been granted enhancement. The Apex Court in **Civil Appeal No.2425 of 2019 'The Govt. of India & Anr. vs. P.Venkatesh'** decided on 01.03.2019 has deprecated the decision of the representations in the following manner:-

“These successive orders of Tribunal for re-consideration of the representation cannot obliterate the effect of the initial

delay in moving the Tribunal for compassionate appointment over a decade after the death of the deceased employee. This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee."

(3) Faced with this, counsel does not press this writ petition.

(4) Ordered accordingly.

26.03.2019

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(G.S. Sandhawalia)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No