

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5808 of 2018

Date of Decision: 27.02.2019

Amritpal Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

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

Present: Ms. GK Mann, Advocate for the petitioner
Ms. Simran Grewal Randhawa, AAG Punjab
Mr. RS Madan, Advocate for respondent No.3
Mr. Aalok Jagga, Advocate for respondents No.4&5

G.S. SANDHAWALIA, J. (Oral)

(1) The present writ petition seeks a direction against respondent No.2 for deciding the objection raised in the plaint under Section 3-H of the National Highways Act, 1956 in a time bound manner. Further prayer has been made for granting interim stay on the disbursement of the compensation till the final disposal of the Civil Suit titled "Amritpal Singh vs. M/s Oswal Woollen Mills Ltd", in which challenge had been laid to sale deed dated 06.08.2015 (P5).

(2) In the written statement filed by respondent No.2, the stand is that hearing was done on 07.02.2018 and the objections raised by the petitioner were dismissed on the said date (Annexure R2/1) and disbursement of the compensation was done to respondent No.5 M/s Oswal Woollen Mills Ltd. on 12.02.2018 through RTGS. It has been further averred that a civil suit had been filed wherein the petitioner was not granted interim stay by the Civil Court.

(3) The stand of the respondents No.4&5 is also to the extent that injunction has been declined by the civil court on 24.12.2015 (Annexure R4/1) and the order has been upheld in appeal on 20.10.2016 (Annexure

(4) This Court had granted stay on 19.03.2018 and directed that in the meantime, respondent No.2 shall not order disbursal of compensation to respondent No.4. Thereafter the application had been filed for impleading the company M/s Oswal Woollen Mills Ltd. as respondent which was allowed on 26.04.2018 and as noticed above, the amount has already been disbursed to respondent No.4 prior in point of time (Annexure R2/2) on 12.02.2018.

(5) Counsel for the petitioner has vehemently argued that even certified copy of the order dated 07.02.2018 (R2/1) has not been supplied in spite of applying for the same and as such she is not in a position to challenge the same in accordance with law.

(6) Keeping in view the above cumulative facts and in view of the limited relief sought in the present writ petition, this Court is of the opinion that the matter has been rendered infructuous to the extent that the order has already been passed by the said authority.

(7) The writ petition is accordingly disposed of as infructuous without commenting on the legality or propriety of the order passed and it will open to the petitioner to challenge the order so passed in accordance with law.

(8) Photocopy of the certified copy of the order has been supplied to counsel for the petitioner in Court. Respondent No.2 shall supply the certified copy of the said order within two weeks from the date of receipt of certified copy of this order.

(9) Ordered accordingly.

27.02.2019

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(G.S. Sandhawalia)
Judge