

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

208

CWP No.793 of 2018

Decided on : 29.11.2019

Karamjit Kaur

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: Mr. R.K. Girdhar, Advocate for the petitioner.

Mr. Ramesh Sharma, Advocate for
Mr. Satish Singla, Advocate for respondent No.1-UIOI.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for respondent No.2-NHAI.

Ms. Ambika Bedi, AAG, Punjab
for respondents No.3 & 4.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks compensation qua 11½ marlas in Khasra Nos.537/1 (1-12) situated in the area of village Dosanj, Tehsil & District Moga.

The case of the petitioner is that she had purchased the property vide sale deed dated 25.10.2002 (Annexure P-1) from one Gurnam Singh. The notification under Section 3 A (1) of the National Highways Act, 1956 had been issued on 20.05.2014 and, thereafter, an Award had been passed on 11.09.2015 (Annexure P-3). The compensation qua structures of the house had been paid, but compensation qua the land has not been paid to her.

Number of representations as such had been made and a legal notice dated 12.007.2017 (Annexure P-5) had also been served upon the respondents. Resultantly, the present writ petition came to be filed.

Respondents No.3-Deputy Commissioner, Moga and respondent No.4-Competent Authority, Land Acquisition Collector-cum-Sub Divisional Magistrate, in their reply have taken the plea that the

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petitioner is a co-sharer and, therefore, is entitled for her share, but she was not accepting the same. Relevant paragraph of the written statement reads as under:-

“3. That the petition is bad due to concealment of material facts. It is pertinent to mention here khasra no.537/1 is part of khewat No.112 as per Jamabandi for the year 2009-2010. It is very important to mention here that the petitioner is co-sharer in the land bearing Khasra No.537/1 (1-12) to the instant of 23/64 share and as per the settled law of land each and every co-sharer is entitled to his share in the joint property and as per the share of petitioner in the suit land, her share of the compensation amount has been determined and the answering respondent has fixed the amount accordingly as per her share in the acquired land, but the petitioner is not accepting the same.”

Counsel for the petitioner submits that he does not as such contest the entitlement of other co-sharers and would be satisfied as her share out of the above said khasra number would work out to 11½ marlas, which is her case.

Faced with this situation, counsel for the State submits that the amount will be paid within a fixed time frame.

Accordingly, the present writ petition is disposed off with the directions to respondent No.4 to disburse the compensation to the petitioner within a period of one month from the receipt of the certified copy of this order.

Needless to say that aggrieved parties can seek the enhancement in accordance with the law before the appropriate forum.

The writ petition stands disposed off, accordingly.

**(G.S. SANDHAWALIA)
JUDGE**

NOVEMBER 29, 2019
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No