

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27715 of 2019
Date of Decision: 26.09.2019

Dalip Kumar & Ors.

... Petitioners

VS.

Union of India & Ors.

... Respondents

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

Present: Mr. Karan Gupta, Advocate for the petitioners

G.S. SANDHAWALIA, J. (Oral)

(1) This writ petition filed under Articles 226/227 of the Constitution of India seeks a direction for payment of compensation @ Rs.43,000/- per sq.yard as opposed to Rs.15,800/- per sq.yard which was granted under the provision of the National Highways Act, 1956.

(2) The claim of the petitioners as such is based on the policy dated 15.03.2016 (P3) which has been issued by respondent No.1. It is their case that the National Highway Department formulated the said policy for the purposes of acquisition of missing plots which formed part of bulk acquisition by consent. Resultantly, vide sale deed dated 20.07.2018 (P6) the land measuring 419.79 sq.yard in village Bhawanigarh District Sangrur was sold to respondent No.1 through respondent No.2 @ Rs.33401.20 per sq.yard which was including *solatium* and interest. Thus the case of the petitioners that as per the policy, if similarly situated land acquired by notification published on or prior to the date of agreement for sale by the landowner to the Ministry for which arbitral award as such is granted and higher compensation is paid, the benefits would also be given to the persons who had sold his land by mutual consent.

(3) The petitioners claim to have filed representation dated 24.06.2019 (P9) submitting that abutting the land sold there was a plot forming part of Khasra No.128//5/3 for which compensation was ordered to be awarded @ Rs.43000 per sq.yard and therefore the claim for similar amount of compensation has been made.

(4) Notice of motion. Mr. SK Sharma, Advocate who is present in court accepts notice. Copy supplied.

(5) Keeping in view the controversy and the fact that the decision making process is still pending with the respondents no useful purpose would be served by calling upon the respondents to file their reply as it would only delay the matter.

(6) Counsel for the petitioners submits that he would be satisfied if the representation is decided in a time bound manner. Without commenting upon the merits of the case and keeping in view the above circumstances, the directions are issued to respondent No.2 to take decision on the said representation within 3 months from the date of receipt of certified copy of this order. In case the amount is found payable, the same shall be released to the landowner/petitioners. However, if no amount is found payable, a speaking order shall be passed and conveyed to the petitioners within the same time frame.

(7) The writ petition stands disposed of in above terms.

26.09.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes /No
Yes /No