

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 614 of 2020 (O&M)

Date of Decision: 11.12.2020

Mahinder Singh and Others

..... Petitioners

V/s.

Union of India and Others

..... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jasvinder Saini, Advocate for the petitioners.

Mr. D.K. Singla, Advocate for respondent No.2

Mr. Hitesh Pandit, Addl.AG, Haryana.

Ritu Bahri, J.

The petitioners are seeking a writ of mandamus for directing the respondents to release the compensation amount to the petitioners alongwith appropriate interest from the date of acquisition as per their shares. In response to notice of this petition, a short reply has been filed by respondent Nos.1 and 2.-Project Director, Project Implementation Unit, National Highway Authority of India. In this reply, they have placed on record a copy of the award (Annexure R1) passed by the competent authority i.e. respondent no.3 and the compensation thereto has been deposited to respondent No.3 i.e. District Revenue Officer, Ambala.

In paragraph 3 of the reply, it has been clarified that there was a typographical error brought to the notice of the respondent vide letter dated 14.08.2019 (Annexure P5). After examining the matter, the respondent(s) came to a conclusion that due to inadvertent typographical error, khasra no.47//13/1 has been published in the Extraordinary Gazette Notification of Government of India which has already been acquired by respondent No.1 vide notification dated 11.03.2013. Khasra no. 47//13/2 was required to be published instead of above said khasra no. 47//13/1. Khasra

No.47//13/2 belongs to the petitioner and Government vide letter dated 29.10.2020 (Annexure R2) has decided to publish khasra no.47//13/2 to issue necessary gazette notification for acquisition of khasra no.47//13/2. The letter (R2) has been sent to the District Revenue Officer, Ambala for verification. After receiving the verification report from respondent No.3, it would be forwarded to the Ministry for its publication in the Government gazette.

Thereafter, under Section 3A, the process of acquisition of land belonging to petitioner falling in khasra no.47//13/2 would be initiated followed by a notification under section 3D of the National Highways Act and an award will be passed by the competent authority-respondent No.3. Thereafter, the petitioner will be paid the compensation of the acquired land.

Today, a separate reply has been filed by respondent No.3 i.e. District Revenue Officer, Ambala dated 10.11.2020. In paragraph 3, they have taken the same stand as taken by respondent Nos.1 and 2 with respect to notification for land bearing khasra no.47//13/2 which belongs to petitioner which neither has been acquired nor compensation has been given.

Respondent No.3 has further stated that after getting the letter from respondent No.2 dated 29.10.2020, they have verified the proposed notification and sent it to respondent Nos.1 and 2 so that the same can be proceeded with, in accordance with law.

Today a short reply has been filed by respondent No.3 giving details of the payment made to the petitioner with respect to acquisition made in the year 2013 and 2020. These payments are not being disputed by the petitioners.

However, keeping in view the stand taken by the respondent Nos.1, 2 and 3, these petitions are being disposed of, so that necessary procedure for acquiring

khasra no.47//13/2 be carried out in accordance with law and thereafter payment be made to the petitioners alongwith interest from the date of acquisition.

December 11, 2020

Sonia Puri

(RITU BAHRI)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No