

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17735 of 2020

Date of decision 14.12.2020

Bhalender Singh Yadav

...Petitioner

Versus

Union of India and others

...Respondents

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Vaneet Soni, Advocate
for the petitioner.

Mr. Sunil Kumar Sahore, Advocate
for respondent Nos.2 and 6.

Mr. Sharad Aggarwal, AAG, Haryana
for respondent Nos.3 to 5 and 7.

Harsimran Singh Sethi, J. (Oral)

The present writ petition has been filed seeking direction to respondents No.3 and 4 being Expert Assessment Authority to survey, assess and determine the compensation of the trees and structures, which are standing in the Orchard of the petitioner, which land is acquired by the respondents for widening the National Highway 148-B in District Mahendergarh keeping in view Award No.28-A dated 13.11.2019 (Annexure P/5).

This Court on 04.11.2020 had passed the following orders:-

“Counsels for the respondents on telephonic
instructions received from Mr. Raj Kumar, DRO,

Mahendergarh, have submitted that the assessment of the trees/Orchard on the acquired land will be done with the help of Horticulture Department, within a period of 4 weeks.

In such circumstances, the respondent-NHAI, shall not cut trees on the acquired land and maintain the Orchard, till the assessment is done, till the next date of hearing.

Adjourned to 10.12.2020.”

Thereafter, assessment report dated 23.11.2020 stated to have been prepared by the District Horticulture Officer, Narnaul has been submitted by the respondents. Learned counsel for the petitioner submits that the assessment report dated 23.11.2020, which is supposedly prepared by the District Horticulture Officer, Narnaul is not correct as the same has been done without visiting the actual site, where the trees are standing, which assertion is being disputed by the respondents.

Be that as it may, there is valuation which has been done by the District Horticulture Officer, Narnaul and if the petitioner is not satisfied with the said assessment, he will be free to agitate the same before the authorities while seeking compensation for the crops and other structures standing on the disputed site. This Court is expressing no opinion, at this stage, qua the validity of the assessment report dated 23.11.2020 given by the District Horticulture Officer, Narnaul wherein, valuation of the fruit trees standing in the Orchard of the petitioner has been given. The petitioner will be free to raise his grievance before the authorities. In case, any such grievance is raised by the petitioner, the authorities will pass an appropriate order on the said grievance. It is directed that before the possession of the land is taken, respondent-NHAI as well as the petitioner, will videograph

the disputed site, where the trees and structures are standing so that at later stage, no dispute arises qua the said site in respect of which the petitioner is seeking compensation. Videography will be done in the presence of the petitioner and petitioner will cooperate.

Learned counsel for the petitioner submits that keeping in view the above, the grievance of the petitioner stands redressed, at this stage, and therefore, the present writ petition be disposed of as such.

The present writ petition stands disposed of in above terms.

December 14, 2020

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No