

CWP-16964-2018 (O&M) and connected case

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

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**CWP-16964-2018 (O&M)
Date of decision: 03.09.2020**

Mrs. Jaspreet Kaur

.....Petitioner

versus

Union of India and others

....Respondents

CWP-8855-2018 (O&M)

Harsarup and another

.....Petitioners

versus

Union of India and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Raj Kaushik, Advocate for the petitioner(s).

Mr. D.K. Singal, Advocate for respondents No.1 & 2.

Mr. Vikas Mohal Gupta, Addl. AG, Punjab for respondent No.3.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

This order shall dispose of two writ petitions i.e. ***CWP-16964-2018*** titled as ***Mrs. Jaspreet Kaur vs. Union of India and others*** and ***CWP-8855-2018*** titled as ***Harsarup and another vs. Union of India and others***.

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CM Nos.8410 & 8412-CWP-2020

Applications are allowed, subject to all just exceptions.

CM Nos.8411 & 8414-CWP-2020

Applications are allowed.

Documents at Annexures P-2 & P-3 (in CWP-16964-2018) and Annexures P-2 to P-4 (in CWP-8855-2018), are taken on record.

**CM-8413-CWP-2020 in/and CWP-16964-2018 and
CM-8415-CWP-2020 in/and CWP-8855-2018**

The present petitions have been filed by the petitioner(s) inter alia with a prayer for issuance of writ in the nature of mandamus directing respondent No.1 to give solatium @ 100% and interest to the petitioner(s) on account of acquisition of the land of the petitioner(s) done by the respondents under the National Highways Act, 1956, in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which was made applicable to the acquisition under National Highways Act vide “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Removal of Difficulties) Order, 2015”.

Records of the case show that on 13.07.2018, notice of motion in this case was issued.

Today, CM Nos.8413 & 8415 of 2020 have been filed for withdrawal of the present petitions to pursue the statutory objections/appeal dated 16.06.2020 under Section 34 of Arbitration and Conciliation Act (P-3), by the petitioner(s) against the order dated 14.05.2020, passed by the

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learned Court of Commissioner, Patiala Division (Annexure P-2) declining the grant of 100% solatium in respect of the acquired land of the petitioner (s), with liberty to take all the pleas/submissions which have been taken in the present petition.

Notice of the applications.

On asking of the Court, Mr. D.K. Singal, Advocate and Mr. Vikas Mohal Gupta, Addl. AG, Punjab, accept notice on behalf of respondents No.1 & 2 and respondent No.3 respectively.

For the reasons mentioned in the applications, the same are allowed.

In view of the above order, main writ petitions are dismissed as withdrawn with the liberty as prayed for.

(GIRISH AGNIHOTRI)
JUDGE

03.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No