

CWP-18947-2020

Date of decision : November 10, 2020

GURVIR KAUR DHILLON AND ORS

.....Petitioners

Versus

UNION OF INDIA AND ORS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Sunil Kumar Sharma, Advocate for respondent No. 1/UOI.

Mr. Abhay Pal Singh Gill, AAG, Punjab for respondents No. 2 and 3.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners are aggrieved of compensation not being released to them as per provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short – '2013 Act'). It is claimed that award in question was passed on 07.11.2014 under National Highway Act 1956, and compensation was not released till May, 2015. Learned counsel for the petitioners refers to communication dated 03.02.2016 (Annexure P2), in respect to the decision of Ministry of Road Transport and Highway, regarding applicability of Section 24 of the 2013 Act to awards under Section 3G of the National Highway Act, 1956 announced on or before 31.12.14. It is, thus, claimed that the petitioners are entitled to compensation as per the provisions of 2013 Act. It is further submitted that despite serving legal notice dated 08.06.2020 (Annexure P8) no decision is being taken by the authorities.

Learned counsel for the petitioners, at this stage, restricts his prayer for decision of legal notice dated 08.06.2020 (Annexure P8) in a time bound manner.

Notice of motion.

Mr. Sunil Kumar Sharma, Advocate accepts notice on behalf of respondent No. 1/UOI. Mr. Abhay Pal Singh Gill, AAG, Punjab accepts notice on behalf of respondents No. 2 and 3.

No serious objection has been raised by learned counsel for the respondents to the limited prayer addressed by learned counsel for the petitioners.

Keeping in view the facts and circumstances of the case as well as the limited prayer addressed at this stage, but without expressing any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority to decide legal notice dated 08.06.2020 (Annexure P8) submitted by the petitioner, within two months from the date of receipt of certified copy of this order.

November 10, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No