

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

(Proceedings conducted through video Conference)

205

CR-2285-2020 (O&M)

Date of decision: 06.01.2021

SARTAJ SINGH

...Petitioner

Versus

COMMISSIONER JALANDHAR DIVISION AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Khunger, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner has invoked jurisdiction under Article 227 of the Constitution of India for issuance of directions to respondent No.1 to decide the proceedings, remanded by the Additional District Judge, Jalandhar vide order dated 18.12.2014.

Counsel for the petitioner, by referring to paras 18 onwards of order dated 18.12.2014 passed by the Additional District Judge, Jalandhar would contend that the Arbitrator was asked to resume proceedings from 17.01.2015 and make the award within 3 months thereafter. It is submitted that a period of more than six years has passed since directions were issued in the order dated 18.12.2014. He would inform that the proceedings are pending before the Arbitrator-respondent No.1 for 19.01.2021 and he may be directed to decide the matter finally on that date.

Counsel for respondents No.1, 4 and 5, in place of complying with order dated 07.12.2020, would state that as he has not received the brief, therefore, is not in a position to assist the Court.

It is surprising rather shocking that Commissioner, Jalandhar Division-cum-Arbitrator appointed under Section 3G(5) of the National Highways Act, 1956 is sitting over the matter for the past about six years and has failed to pass an order, in terms of order dated 18.12.2014 that has attained finality. There is no explanation rendered by counsel representing the Arbitrator and respondents No.4 and 5 to justify this lackadaisical conduct of respondent No.1. Once the owner has been deprived of land,

acquired for a public purpose, the authorities should not shirk from responsibility to assess and pay compensation, permissible in law. That being so, the present petition stands disposed of with direction to respondent No.1 to pass the final award on 19.01.2021, the date fixed before the said authority or within a period of 15 days thereafter. The Registry is directed to forward a copy of the order to the Commissioner, Jalandhar Division, Jalandhar for necessary compliance.

06.01.2021

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No