

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

CWP-22769-2020(O&M)

Date of decision: 05.01.2021

Kishore Kumar

.....Petitioner

Versus

Union of India and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Parvinder Singh, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for issuance of a writ in the nature of Mandamus, directing respondent no.3, to take action in accordance with law on the representation/ application dated 29.05.2020, filed under Section 3 H (4) of National Highways Act, 1956. It is alleged that the petitioner is owner in possession of a plot measuring 33'-3"x 76'-9" comprised in khasra no.29//20, situated at village Barnala Kalan, Sona Road, Tehsil Nawanshahr, District SBS Nagar.

The petitioner claims that the aforesaid plot has been purchased by him through a registered sale deed and in fact, the entire property was divided into plots and thereafter, sold. The petitioner further claims that the National Highway Authority of India has acquired the land, for four-laning bye pass, from Ropar to Phagwara. The award was announced by the competent authority on 03.05.2017, however, no compensation has been paid to the petitioner. The petitioner claims that he applied for sending a reference to the Principal

Civil Court of original jurisdiction under Section 3 H (4) of the National Highways Act, 1956, vide application dated 29.5.2020, on which no decision has been taken. The petitioner claims that the plot owned by the petitioner has been acquired, therefore, he is entitled to the compensation for the plot acquired.

Keeping in view the controversy involved, it is considered appropriate to dispose of the writ petition on the very first of hearing. Without commenting on the merits of the case, it is considered appropriate to direct the competent authority to take a decision on the application submitted by the petitioner for reference to the Principal Civil Judge of the District, within a period of two months. In case the request of the petitioner is to be declined, the competent authority would pass a speaking order, after affording an opportunity of hearing to the petitioner.

Disposed of.

05.01.2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No