

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

CWP-8249-2022

Date of decision 22.04.2022

Jagdish Kaur and anr.

....Petitioners

VS

Union of India and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Vikas Mehsempuri, Advocate
for the petitioners.

Ritu Bahri, J. (Oral)

Petitioners are seeking issuance of writ in the nature of mandamus directing respondent Nos. 1 to 4 from interfering, digging or constructing any road and dispossessing them from the land bearing Khasra Nos. 38//16, 17,24, 25, 55//45/1, 56//22 and 60//2, uptill the verification of their possession at the spot, is not done by the revenue official.

Issue notice of motion.

On asking of the Court, Mr. Sunil Kumar Sharma, Advocate and Ms. Anu Pal, D.A.G. Punjab accepts notice on behalf of respondent No. 1 and respondent-State respectively.

Petitioners purchased the land in question through sale deed, vide Vasika No. 110 dated 27.04.2015 for the land measuring 07 kanal 12 Marla and Viaska No. 62 dated 13.04.2015 of land measuring 24 kanal 0 marla along with tubewell motor connection from Maghi Singh. An award dated 31.05.2021 was passed for payment of compensation of acquisition by the competent authority under Section 3 (h) (4) of the National Highway Act.

Petitioners filed objection dated 08.07.2021 before respondent No. 3 seeking

amount of compensation (P-3). Petitioners had already filed a partition case

before issuing of the notification and the case is pending before the Court of A.C. 1st Grade (Tehsildar Patran respondent No. 7) Thereafter, petitioners moved legal notice dated 14.07.2021 (P-5) and application dated 19.07.2021 (P-6) before the competent authority-cum-Land Acquisition Collector, Patran for adding documents along with objections dated 08.07.2021.

The grievance of the petitioners before this Court is that though they are in possession of the acquired land but if the amount of compensation is disbursed to the other persons/co-sharers, who are not in possession of the acquired land, then a great injustice will be caused to the petitioners. They moved an application dated 08.11.2021 before the Addl. District Judge, Patiala (P-7) for restraining respondent Nos. 1 to 4 from interfering/digging or constructing any road and dispossessing them from the acquired land bearing Khasra Nos. 38//16, 17,24, 25, 55//45/1, 56//22 and 60//2, as respondent Nos. 1 to 4 had started the work of construction on road.

The dispute in the present case is with respect to right of co-sharers in claiming compensation. Since the matter is already pending before the Court below, no further orders are required to be passed in the present petition.

Disposed of. However, the petitioners are at liberty to pursue their remedy before the Court below, if so advised, in accordance with law.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

22.04.2022
G Arora

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