

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

126

CWP-13020-2023

Date of Decision: 06.06.2023

Balkar Singh**...Petitioner**

Versus

State of Punjab and Others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Varijnder Kumar Sandhir, Advocate for the petitioner

Mr. Gurpreet Singh, Addl. A.G., Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Articles 226/227 of Constitution of India is seeking issuance of writ of Mandamus directing respondent Nos.3 & 4 to consider and decide application dated 15.09.2022 (Annexure P/8) for disbursement of compensation with respect to his share.

2. Learned counsel for the petitioner *inter alia* contends that petitioner had filed CWP No.18279 of 2022 before this Court with respect to apportionment of compensation of land measuring 189 Kanals 14 Marlas bearing Khata Khatoni No.281 situated in village Muradpur (Rampura), Tehsil Amritsar-2, District Amritsar. This Court vide order dated 24.08.2022 (Annexure P-7) disposed of the said petition with a direction to the petitioners to avail remedy under Section 3H(4) of the National Highway Act, 1956. The petitioner moved an application dated

15.09.2022 (Annexure P-8) before the competent authority in terms of Section 3H(4) of National Highway Act, 1956. Sub-Divisional Magistrate, Amritsar-2/respondent No.3 issued show cause notice dated 12.10.2022 (Annexure P-9) calling upon the petitioner to show cause as to why excess amount paid to him should not be recovered from him. As per the said notice, the petitioner is entitled to compensation of Rs.1,27,90,050/- whereas a sum of Rs.2,36,54,756/- has been transferred in his account. The petitioner preferred CWP No.27392 of 2022 before this Court seeking quashing of show cause notice dated 12.10.2022 and this Court vide order dated 01.12.2022 (Annexure P-10) disposed of the said petition with liberty to the petitioner to file reply to the show cause notice. The petitioner filed reply dated 05.12.2022 to aforesaid show cause notice and matter is still pending before Sub-Divisional Magistrate, Amritsar-2/respondent No.3.

Learned counsel for the petitioner further contends that as per respondents, the petitioner is entitled to compensation to the tune of Rs.1.27 Crores, however, respondent has attached entire compensation i.e. Rs.2.36 Crores which was credited in the account of the petitioner. He further submits that competent authority may be directed to pass an appropriate order on the application dated 15.09.2022 (Annexure P/8) submitted by the petitioner in a time bound manner.

3. Mr. Gurpreet Singh, Addl. A.G., Punjab, who is present in Court on advance notice on behalf of respondent-State, assures the Court

that competent authority would look into the matter and pass appropriate order in a time bound manner.

4. In view of aforesaid facts and circumstances and statements of learned counsels for parties, the present petition is disposed of with a direction to respondent No.3 to pass an appropriate order qua claims of the petitioner within one month from today.

(JAGMOHAN BANSAL)
JUDGE

06.06.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>