

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

CWP-14077-2023

Date of Decision: July 06, 2023

MANJU BALA

..... Petitioner

Versus

**COMPETENT AUTHORITY CUM SUB DIVISIONAL MAGISTRATE
AND OTHERS**

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Binderjit Singh, Advocate for petitioner.
Mr. Pushp Jain, Advocate for
Mr. Abhilash Gaind, Advocate for NHAI-respondent No3.

HARKESH MANUJA, J. (ORAL)

1. By way of present writ petition, prayer has been made for issuance of directions to respondents to pay solatium on amount of compensation as awarded to the petitioner on account of acquisition of her land.

2. In the present case, certain land owned by petitioner situated in village Panj Dhera, Tehsil Phillaur, District Jalandhar came to be acquired vide notification No.445 (E) dated 23.02.2010 published under The National Highways Act 1956 for building (widening/six laning etc.) maintenance, management and operation of National Highway No.01 on the stretch of land from KM 329/000 to KM 347/000 (Panipat to Jalandhar) in Sub Division, Phillaur, District Jalandhar, State of Punjab.

3. The competent authority-cum-Sub-Divisional Magistrate, Phillaur pronounced an award on 26.07.2013 whereby compensation was awarded at the rate of Rs.2,00,000/- per marla for land situated in the revenue limits of village Panj Dhera, however, no provision was

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made regarding solatium on the aforesaid amount of compensation/market value.

4. In order to seek his grievance as regards release of award of solatium over the amount of compensation, the petitioner submitted a detailed representation dated 28.09.2016. Even thereafter, so as to impress upon the respondents, a legal notice dated 15.11.2022 was also served upon them, however, the same fetched no results thereby compelling the petitioners to approach this Court by way of present writ petition.

5. Upon advance notice, learned State counsel appearing on behalf of respondents No.1 and 4 submits that representation as well as legal notice submitted by petitioner is pending consideration and the same shall be considered and decided by respondent No.1 within a period of two months, keeping in view the law laid down by this Court in cases of “**M/s. golden Iron and Steel Forging Vs. Union of India and Ors. and Dynamic (India) Pvt. Ltd. Vs. Union of India and Ors.**”

6. In view of the aforesaid stand taken by learned State counsel, respondent No.1 is directed to dispose of the legal notice dated 15.11.2022 (Annexure P-5) submitted by petitioner by taking into consideration the law laid down in aforesaid judgments.

7. Disposed of in the aforesaid terms.

06.07.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

