

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

CWP-14620-2023

Date of Decision: July 13, 2023

AMIT KUMAR & ANR.

..... Petitioners

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Sodhi, Advocate for petitioners.

Mr. Abhilaksh Gaind, Advocate for respondent No.4.

HARKESH MANUJA, J. (ORAL)

1. By way of present writ petition, prayer has been made for issuance of direction to respondent No.3 to decide the claim of petitioner as regards release of compensation qua the acquisition of their land.

2. As per the averments made in the writ petition, the petitioners owned land situated in area of Village Bhoie, Tehsil Baba Bakala Sahib, District Amritsar as detailed in Para 3 thereof purchased vide sale deed dated 07.11.1994 which came to be acquired vide notification dated 12.02.2019 issued under Section 3(A) of the National Highways Act, 1956 followed by an award dated 23.11.2020. As per petitioners, the compensation has not been released in their favour so far, despite expiry of more than two and a half year and in this regard petitioners have been repeatedly approaching the respondents and even trying to impress upon them through written representations.

3. Upon advance notice, learned counsel appearing on behalf of respondent No.2 submits that the compensation already stands deposited with respondent No.3 who, in turn has to release the same in favour of landowners, whereas, learned State counsel appearing on

behalf of respondent No.3 submits that on account of pendency of one civil suit for declaration filed at the instance of respondent No.4 the amount has not been disbursed in favour of petitioners.

4. I have heard learned counsel for the parties and gone through the records as well as provisions of National Highways Act, 1956.

5. Admittedly, no reference under Section 3 H(4) of the National Highways Act, 1956 relating to apportionment of compensation has been moved so far at the instance of respondent No.4, whereas the petitioners are recorded to be owners in possession of the acquired property as per Annexure P-4. Moreover, the disbursement of compensation has not been stayed by any Court of Competent Jurisdiction so far. Accordingly, let a decision be taken upon the claim of the petitioners by respondent No.3 as regards disbursement of compensation by treating the present writ petition as representation. It is made clear that respondent No.3 shall decide the claim made by the petitioners after affording an opportunity of hearing to all the stakeholders including respondent No.4. The aforesaid exercise be carried out within a period of eight weeks from today and in case the petitioners are found entitled, compensation be released in their favour without any further delay.

5. Disposed of in the aforesaid terms.

13.07.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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

