

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

CWP-20065-2023

Date of Decision: September 22, 2023

CHARANJIT KAUR AND OTHERS

..... Petitioners

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Sidhu, Advocate and
Mr. Mohit Kumar, Advocate for the petitioners.

Mr. Vivek Dahiya, Advocate for
Dr. Puneet Kaur Sekhon, Advocate for
respondents No.1 and 2.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present writ petition, prayer has been made for issuance of directions to the Reference Court to expedite the adjudication upon reference filed at the instance of petitioners and pending before it under Section 3 H(4) of the National Highways Act, 1956 (hereinafter referred to as 1956 Act) being LAC-26-2015 and LAC-27-2015.

2. In the present case, the land owned by petitioners besides their co-sharers, situated within revenue estate of village Handiya, Tehsil and District Barnala came to be acquired vide notification dated 25.05.2012 and 03.05.2013 issued under Sections 3-A and 3-D(i) of 1956 Act followed by award dated 20.01.2014. In the wake of dispute regarding disbursement/apportionment of compensation between co-sharers, following two separate references Under Section 3H(4) of 1956 Act were made:-

(i) LAC-26-2015 titled as "Jaswinder Singh and Ors. Vs. Union of India"

(ii) LAC-27-2015 titled as “Jaswinder Singh and Ors. Vs. Union of India”

3. Learned counsel for the petitioners submits that aforementioned two reference petitions are pending before Reference Court for the past almost eight years, thereby depriving the petitioners of their statutory/constitutional rights with regard to disbursement of compensation.

4. Though, the present petition has been filed under Article 226 of Constitution of India, however, on an oral request made on behalf of the petitioners, the same is being treated and entertained under Article 227 of Constitution of India so as to enable this Court to exercise its supervisory jurisdiction.

5. Considering the fact that the award in the present case was passed on 20.01.2014 and it has been almost nine years that petitioners-landowners have been deprived of their legitimate dues against the award for release of compensation on account of acquisition of their land against their entitlements, the references filed under Section 3 H(4) pending for the past eight years is thus requested to dispose of by the Reference Court in the shape of the the aforementioned two reference petitions i.e. LAC-26-2015 and LAC-27-2015, as expeditiously as possible, preferably within a period of one year from the receipt of copy of this order.

5. Disposed of in the aforesaid terms.

22.09.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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