



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

**Civil Writ Petition No. 16155 of 2021 (O&M)
Date of Decision: 02.09.2025**

Mrs. Savitri Devi

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aman Priye Jain, Advocate
for the petitioner.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for respondent No. 2-NHAI.

Ms. Komal Sharma, Deputy Advocate General, Haryana
for respondent Nos. 3 & 4.

Mr. Priyanshu Kamra, Advocate
for respondent No. 5-Parwati.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present writ petition, seeks issuance of directions to respondent Nos. 1 & 2 to release the remaining amount of compensation for the acquired land by the National Highway Authority of India.

[2] Briefly stating, land measuring 20 Kanal 7 Marlas comprised in Rect. No. 118, Killa No. 4 (5-6), 5 (7-7), 6 (7-14) situated in the Village Khara Kheri, District Fatehabad, was purchased by the petitioner from the husband of respondent No. 5, namely, Rajpal, vide registered sale deed dated 20.03.2007 and the name of petitioner was even recorded in the jamabandi for the year 2008-09. Later, vide notification dated 24.06.2014 issued under Section 3-A of the National Highways Act, 1956 (**for short “1956 Act”**),

land was acquired for the public purpose, i.e. building (widening/four-laning etc.) maintenance, management and operation of National Highway NH-9 (erstwhile NH-10) on stretch of land from KM 192.000 to KM 231.500. In the said acquisition, certain part of khasra No. 118//15/1 (1-19), 6/2 (3-16), 4/1 (3-1) also came to be acquired. Though, a part of compensation amounting to Rs. 35,87,646/- was released in favour of petitioner on 29.01.2015, however, remaining sum of Rs. 23,23,981 was released in favour of the vendor-predecessor-in-interest of the petitioner, namely, Rajpal son of Brijlal, who happened to be the husband of respondent No. 5-Parwati.

[3] It is the case set up by the petitioner that the entire amount of compensation including the sum of Rs. 23,23,981/- was required to be released in favour of the petitioner, she being the owner of entire portion forming part of khasra No. 118//6 & 4 as no rights therein remained in the name of her predecessor, namely, Rajpal and the sum of Rs. 23,23,981/- was wrongly released in his favour.

[4] Learned counsel for the petitioner, thus, submits that respondent No. 3 (District Revenue Officer-cum-Competent Authority Land Acquisition, Fatehabad) is liable to pay the balance sum of Rs. 23,23,981/- to the petitioner against the acquired land as the same was duly received by the office of respondent No. 3 from respondent No. 2 (National Highway Authority of India) and a communication dated 15.12.2016 was also forwarded by the office of Project Implementation Unit, Hisar to the office of respondent No. 3 apprising it of the mistake of having paid a sum of Rs. 23,23,981/- to Rajpal (husband of respondent No. 5) in a wrongful manner.

[5] On the other hand, learned State Counsel raises objection that the sum of Rs. 23,23,981/- which was wrongly released in favour of

deceased-Rajpal, cannot be paid to the petitioner till such recovery was made from respondent No. 5 or the estate of deceased-Rajpal.

[6] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioner.

[7] In the given facts, the remaining sum of Rs. 23,23,981/- was payable to the petitioner (Mrs. Savitri Devi wife of Sh. Hetram) towards acquisition of land owned by her; forming part of khasra No. **118//6 & 4** situated within the revenue estate of Village Khara Kheri, District Fatehabad purchased vide registered sale deed dated 20.03.2007, especially when her ownership was duly recorded in the jamabandi for the year 2008-09; the same been acquired vide notification dated 24.06.2014 followed by passing of the Award dated 21.01.2015. Even major sum of compensation amounting to Rs. 35,87,646/- was released in favour of the petitioner having duly acknowledged her to be the owner of the acquired land, thus she cannot be made to suffer at the hands of respondent No. 3 who wrongly released the remaining sum of Rs. 23,23,981/- in favour of Rajpal, i.e. deceased-husband of respondent No. 5 without there being any right, title or interest in his favour towards the acquired land.

[7.1] The plea raised on behalf of respondent No. 3 to the effect that the balance amount of Rs. 23,23,981/- which was wrongly released in favour of deceased-husband of respondent No. 5 and, therefore, cannot be released in favour of the petitioner till the same is recovered either from respondent No. 5 or from the estate of deceased-Rajpal, is wholly misplaced, as no fault at all can be attributed to the petitioner towards wrongful release of Rs.23,23,981/- in favour of deceased-husband of respondent No. 5 as the

name of petitioner was duly incorporated in the jamabandi for the year 2008-09 in terms of registered sale deed 20.03.2007, much before the acquisition carried out in 2014.

[8] In view of the above, respondent No. 3 is directed to release the remaining sum of Rs. 23,23,981/- in favour of the petitioner alongwith statutory interest payable towards delay in disbursal with immediate effect, as the petitioner has already been waiting for the past almost ten years for her dues. However, it is made clear that respondent No. 3 shall be at liberty to avail remedy of effecting recovery of the said amount from respondent No. 5 or the estate of deceased-Rajpal in accordance with law, however, the payment-release of said sum to the petitioner shall never be subject to effecting of recovery from respondent No. 5.

[9] The needful about release of amount due to the petitioner be done within four weeks from the date of receipt of certified copy of this order and in case, respondent No. 3 fails to release the balance amount within the stipulated period, the petitioner shall be entitled for costs of Rs. 50,000/- per month for the delay, which shall be recoverable as arrears of land revenue from respondent No. 3, personally.

[10] **Disposed off** accordingly.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

September 02, 2025

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(HARKESH MANUJA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No