

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CWP No.3872 of 2019 alongwith
CWPs No.1198, 3455, 3863,
3864, 3868, 3875 of 2019 and
CWPs No.5182, 5183, 5543 &
5867 of 2020.**
Decided on:17.03.2023

1. CWP No.3872 of 2019

Vijay Kumar & Another		Petitioners
Versus		
Union of India & Others	...	Respondents

2. CWP No.1198 of 2019

Devender Singh		Petitioner
Versus		
Union of India & Others	...	Respondents

3. CWP No.3455 of 2019

Kanwarjeet Singh		Petitioner
Versus		
Union of India & Others	...	Respondents

4. CWP No.3863 of 2019

Neelam Sood & Another		Petitioners
Versus		
Union of India & Others	...	Respondents

5. CWP No.3864 of 2019

Abhinav Sood		Petitioner
Versus		
Union of India & Others	...	Respondents

6. CWP No.3868 of 2019

Basant		Petitioner
	Versus	
Union of India & Others		...Respondents

7. CWP No.3875 of 2019

Sushila Rani		Petitioner
	Versus	
Union of India & Others		...Respondents

8. CWP No.5182 of 2020

Adarsh Gulati & Another		Petitioners
	Versus	
Union of India & Others		...Respondents

9. CWP No.5183 of 2020

Roop Dassi		Petitioner
	Versus	
Union of India & Others		...Respondents

10. CWP No.5543 of 2020

Sukhwinder Kaur		Petitioner
	Versus	
Union of India & Others		...Respondents

11. CWP No.5867 of 2020

Yadvinder Singh & Another		Petitioners
	Versus	
National Highways Authority of India & Others		...Respondents

Coram:**Hon'ble Ms. Justice Sabina, Acting Chief Justice.****Hon'ble Mr. Justice Satyen Vaidya, Judge.**

Whether approved for reporting?

For the petitioner : Mr. Ankush Dass Sood, Senior Advocate with Mr. Vivek Negi, Advocate, for the petitioners, in CWPs No.3872, 3863, 3864, 3868 and 3875 of 2019.

Mr. Sudhir Thakur, Senior Advocate with Mr. Karun Negi, Advocate, for the petitioners, in CWPs No.1198, 3455 of 2019, 5182, 5183 and 5543 of 2020.

Mr. G.R. Palsra, Advocate, for the petitioner, in CWP No.5867 of 2020.

For the respondents : Mr. Balram Sharma, Deputy Solicitor General of India, for the respondent/Union of India.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for the respondent/NHAI.

Mr. Anup Rattan, Advocate General with Mr. Sidharth Jalta, Additional Advocates General, for the respondents/State.

Sabina, Acting Chief Justice (Oral).

Vide this order above mentioned petitions would be disposed of, as they involve a common issue.

2. Petitioners have filed the petitions under Article 226 of the Constitution of India. For convenience, relief claimed in CWP No.3872 of 2019, is reproduced as under:-

- “i) Direct the respondents to produce the entire record of the case;*
- ii) Quash the decision taken by the respondent/ acquiring authority to unilaterally, illegally and arbitrarily reduce the total compensation determined by Competent Authority-cum-Land Acquisition Officer, Solan from Rs.7,53,66,620/- to Rs.4,71,04,376/-, thereby proportionately reducing the compensation determined in respect of the structures of the petitioners, as well as communication dated 13.2.2019 (Annexure P-5) issued by respondent No.3, as also the decision whereby the revised/re-determined compensation awarded by Competent Authority-cum-Land Acquisition Officer, Solan vide corrigendum was reduced from Rs.1,94,36,060/- to Rs.1,21,47,600/-, thereby again proportionately reducing the compensation determined in respect of the structures of the petitioners, as well as*

communication dated 14.5.2019 (Annexure P-6);

- iii) Issue appropriate writ, order or direction to the respondent-acquiring authority to deposit compensation, interest, other benefits, etc. with respect to the structure of the petitioner over land comprised in Khewat No.161 min/148, Khatauni No.193 min/174, Khasra No.66, situated at revenue village Khali, Patwar and Kanoongo Circle Barog, Tehsil and District Solan (H.P.) as per the jamabandi for the year 2014-2015 as determined vide Award No.20/B-1 dated 17.1.2019 and revised/re-determined vide corrigendum with the Competent Authority-cum-Land Acquisition Officer, Solan in a time bound manner and to the Competent Authority-cum-Land Acquisition Officer, Solan to disburse the same to the petitioners thereafter;*
- iv) Direct the Competent Authority-cum-Land Acquisition officer, Solan to assess the compensation qua the land of the petitioners vide Supplementary Award/Corrigendum and to the respondent/acquiring authority to deposit the compensation so determined as per law thereafter.”*

3. During the course of arguments, it has transpired that both the parties have approached the Arbitrator under Section 3G(5) of The National Highways Act, 1956. Since the parties have already approached the appropriate authority under the Act, no ground for further interference by this Court is called for.

4. However, both the parties would be at liberty to take all the pleas available to them before the Arbitrator, who is to assess the amount of compensation, in accordance with law, liable to be paid to the petitioners-claimants/counter-claimants, after hearing both the parties. Petitioners-claimants/counter-claimants would also be at liberty to move an application for release of the amount awarded to them before the Arbitrator, who shall decide the same in accordance with law, expeditiously.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Sabina)
Acting Chief Justice

(Satyen Vaidya)
Judge

March 17, 2023
(Yashwant)