

In the High Court of Punjab & Haryana at Chandigarh

CWP-24185-2015

Date of decision:18.11.2015

Kiranjot Kaur and others

..... Petitioners

Vs.

Union of India and others

..... Respondents

Present: Mr. Beant Singh Seemar, Advocate
for the petitioners.

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

HEMANT GUPTA,J.(ORAL)

The petitioners have invoked the writ jurisdiction of this Court claiming a writ in the nature of mandamus for directing respondent No.5 Competent Authority (Land Acquisition Collector) Rupnagar, not to release the amount of award of land measuring 10 K 15 M to respondent No.6, in pursuance of Award No.1 dated 29.06.2015, as the petitioners are the joint owner of the property acquired which is subject matter of the aforesaid award in respect of acquisition of land.

As per the petitioners, they have filed objections to the disbursement of amount of compensation to respondent No.6 on 15.09.2015 (Annexure P14). The grievance of the petitioners is that without considering the claim of the petitioners, the amount of compensation is intended to be released to respondent No.6.

The land stands acquired under the National Highways Act, 1956. Sub-Section of 3 of Section 3-H of the said Act provides that where several persons claim to be interested in the amount deposited

under sub-Section (1) of Section 3-H of the Act, the Competent Authority shall determine the persons who in its opinion are entitled to receive the amount of compensation payable to each of them. Sub-Section 4 of Section 3-H of the Act contemplates that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction.

In view of the mandate contained in Section 3-H of the Act, we have no doubt that the Competent Authority shall consider the issue raised by the petitioners and decide the same in accordance with law.

However, we do not find any case is made out for invoking the writ jurisdiction of this Court merely on the basis of apprehension of the petitioners.

In view of the above-said observations, the writ petition stands disposed of.

[Hemant Gupta]
Judge

November 18, 2015.
smriti/kadyan

[Raj Rahul Garg]
Judge