

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

1. CWP-4643-2014

Decided on : 29.06.2015

Surinder Kaur **Petitioner**

VERSUS

Union of India and others **Respondents**

2. CWP-10778-2014

Surinder Kaur **Petitioner**

VERSUS

Union of India and others **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: **Mr.Mansur Ali, Advocate, for the petitioner.**

**Mr.Rajinder Goyal, Addl.A.G., Punjab,
for respondents No.2 to 4.**

**Mr.B.R.Mahajan, Senior Advocate, with
Mr.Prateek Mahajan, Advocate, and
Mr.Akhilesh Vyas, Advocate, for respondent No.5.**

RAJIVE BHALLA, J. (ORAL)

By way of this order, we shall dispose of CWP-4643-2014 and CWP-10778-2014. For the sake of convenience, facts are being taken from CWP-4643-2014.

The petitioner prays for issuance of a writ of mandamus, directing respondents No.2 to 4 to desist from disbursing compensation to respondent No.5 for acquisition of the land, in

dispute.

Counsel for the petitioner submits that respondents No.2 to 4 be restrained from disbursing compensation to respondent No.5 as the question relating to the legality of the sale deed, from which respondent No.5 draws title, is pending adjudication in RSA-1665-1998 "Sandeep Singh Vs. Gurbachan Singh". It is further submitted that even as per the respondents, an application filed by respondent No.5 for disbursing compensation has been forwarded by the competent authority i.e. the Additional District Judge, Sangrur, exercising power under Section 3H of the National Highways Act, 1956 (hereinafter referred to as the 'Act'). The compensation, therefore, cannot be disbursed to respondent No.5.

Counsel for respondent No.5 submits that the National Highways Authority of India has acquired 2.58 acres of land belonging to respondent No.5. The petitioner has no rights, title or interest in this land. The pendency of RSA-1665-1998 is irrelevant. Gobinder Singh owned land in various villages. The 2.58 acres of acquired land is part of a large chunk of land originally owned by Gobinder Singh in various villages. The land owned by Gobinder Singh is subject matter of a suit for a partition but petitioner has no right in the land. The petitioner, therefore, cannot claim any right whether as a co-sharer or otherwise in the 2.58 acres of land acquired by the National Highways Authority of India as this land was

purchased by respondent No.5. The writ petition is an attempt to stall disbursement of the compensation amount. Another argument advanced by counsel for respondent No.5 is that a similar prayer made before the Additional District Judge, Patiala, has been rejected.

We have heard counsel for the parties and admittedly, the dispute regarding disbursement of compensation is now pending before the Additional District Judge, Sangrur, under Section 3H of the Act. This apart, RSA-1665-1998, wherein the petitioner and respondent No.5 are parties, is pending before this Court and an appeal in a partition suit, which relates to a larger chunk of land, is pending before the Additional District Judge, Patiala. However, any expression of opinion on merits may adversely affect the rights of parties in the regular second appeal, the appeal pending before the Additional District Judge, Patiala and the matter pending before the Additional District Judge, Sangrur.

Consequently, we relegate the petitioner to the filing an appropriate application before the Additional District Judge, Sangrur, where proceedings regarding disbursement of compensation are pending, to determine as an interim measure, whether compensation can or cannot be disbursed and if so, to whom and to what extent. The Additional District Judge, Sangrur, shall take into consideration the relevance or otherwise of RSA-1665-1998 and the appeal pending before the Additional District Judge, Patiala. The

compensation shall not be disbursed to the petitioner or respondent No.5 till the decision of the application by the Additional District Judge, Sangrur, exercising power under Section 3H of the Act.

Disposed of accordingly.

[RAJIVE BHALLA]
JUDGE

29.06.2015
Shamsher S.Sabharwal

[AMOL RATTAN SINGH]
JUDGE