

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16984-2016 (O&M)

Date of Decision: August 22, 2016

Somnath and others

.....Petitioners

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Jasvinder Singh Saini, Advocate
for the petitioners.

.....

SURYA KANT, J.

The land in which the petitioners and private respondents are co-sharers is said to have been acquired by National Highway Authority of India (NHAI) and the compensation amount has been deposited with the Land Acquisition Officer-cum-District Revenue Officer, Kurukshetra.

There is a dispute re: apportionment of compensation amount between the petitioners and the private respondents. In view of Section 3H(4) of the National Highways Act, 1956 (For short, 'the 1956 Act') such a dispute has to be referred to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

The grievance of petitioners is that respondent No.4-Land Acquisition Officer is not referring their dispute to the Civil Court for decision. If that is so, we dispose of this writ petition without expressing any

views on merit as we have not heard the private respondents at this stage, with a direction to respondent No.4 to ascertain the correct facts and take an appropriate decision, strictly in accordance with Section 3H(4) of the 1956 Act, within two months from the date of receipt of certified copy of this order. Respondent No.4-Land Acquisition Collector shall hear the private respondents also before taking any decision.

(SURYA KANT)
JUDGE

August 22, 2016
meenuss

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No