

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.21474 of 2016.

Date of Decision: October 18, 2016

Pardeep Kumar and others

.....Petitioners

versus

The Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Ms.Anupam Bhanot, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

On the oral prayer made by learned counsel for the petitioners, Land Acquisition Collector-cum-Sub Divisional Magistrate, Tarn-Taran is ordered to be impleaded as respondent No.5.

Registry is directed to carry out necessary correction in the memo of parties.

The petitioners are residents of village Sarhali Kalan, District Tarn-Taran. They have a dispute with the Gram Panchayat of their village regarding apportionment of compensation paid by the National Highways Authority of India in lieu of acquisition of khasra no.389 which is apparently *shamlat deh*. The petitioners claim apportionment on the premise that they have constructed pakka shops over that khasra number and those shops were the only source of their livelihood.

Be that as it may, Section 3-H(4) of the National Highways Act, 1956 provides that "*if any dispute arises as to 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 within the limits of whose jurisdiction the land is situated...”

It appears that the petitioners have not made any formal request to the Competent Authority to refer their dispute to the decision of the Principal Civil Court but have made representations dated 28.05.2013, 14.07.2015 and 12.09.2016 (P-3, P-4 & P-5, respectively), raising somewhat similar issue.

In this view of the matter, we dispose of this writ petition with a direction to the newly added respondent No.5 to treat the above-stated representations alongwith a copy of this writ petition, as the reference on behalf of petitioners within the meaning of Section 3H(4) of the National Highways Act, 1956 and take a decision whether it is to be forwarded to the Principal Civil Court of original jurisdiction for adjudication in accordance with law. Before taking any decision, the Land Acquisition Collector shall hear the Gram Panchayat also.

Let an appropriate decision in this regard be taken within a period of two months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

October 18, 2016

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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No