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

CWP No.2964 of 2016 (O&M)

Date of Decision: 17.08.2016

Sarabjit Singh and others

..... Petitioners

Versus

UOI and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment?
4. To be referred to the Reporters or not?
5. Whether the judgment should be reported in the Digest?

Present: Mr. Ajay Pal Singh Saini, Advocate,
for the petitioners.

Mr. Amit Jindal, Advocate for
Mr. Vivek Singla, Advocate,
for respondent No.1-UOI.

Mr. P.S. Bajwa, Addl. AG, Punjab.

SURYA KANT J. (ORAL)

The petitioners vide their application dated 28.08.2015 raised a dispute *re:* apportionment of compensation deposited by the National Highway Authority of India with the Land Acquisition Collector in respect of the land situated within the revenue estate of Village Patti Gill, Tehsil & District Bathinda, the details whereof are also mentioned in Annexure P-1. Such a dispute is required to be referred for adjudication to the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. It is so prescribed under Section 3-H(4) of the National Highways Act, 1956. Instead, the SDM-cum-Land Acquisition Collector

appears to have assumed the jurisdiction and indulged in a fact finding. The procedure adopted by that authority being contrary to law, has to be annulled. We order accordingly.

Let the dispute raised by the petitioners be referred to the competent Civil Court, referred to above, within a period of two months from the date of receipt of certified copy of this order. If need be, the petitioners shall file a supplementary petition in which the co-sharers who are likely to be affected by the outcome of the proceedings would also be arrayed as respondents. The Principal Civil Court shall pass an appropriate order after hearing all the co-sharers.

This order shall not be construed as an expression of opinion on the rights of the parties.

(SURYA KANT)
JUDGE

17.08.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE