

CWP No. 20462 of 2016

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 20462 of 2016
Date of decision: 6.11.2017**

Beant Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sherry K. Singla, Advocate
for the petitioners.

Mr. Pawan Kumar Longia, Sr. Panel Counsel
for respondent No.1.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARUN PALLI, J. (Oral):

Land holding of the petitioners was acquired under the National Highways Act, 1956. It is not disputed either that competent authority, vide award dated 31.10.2014, had assessed the value of the acquired land that abutted the existing road to Khanauri town, up to the depth of 100 feet, @ ₹35,000/- per square yard. And, the land situated beyond 100 feet was evaluated @ 2.50 crores per acre. Concededly, the petitioners were awarded compensation @ ₹2.50 crores per acre, which has since been withdrawn. The limited grievance that the petitioners have is; that part of their land holding, comprised in khasra No.38//2 Min and 38//3 Min, was situated within 100 feet from the existing road, therefore, in terms

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of the award, dated 31.10.2014, they were required to be awarded compensation @ ₹35,000/- per square yard for the said portion. Petitioners in support of their claim have referred to the report dated 15.3.2016, furnished by Patwari Halqa, Khanauri, which shows that a part of the land of the petitioners was actually situated within 100 feet from the existing road. So much so, on the basis of the said report, the competent authority (respondent No.4) had even passed a formal order dated 11.9.2017, accepting the claim of the petitioners. But still the difference in compensation is not being disbursed by the authorities.

On the contrary, the specific stand set out by respondent No.4 in the written statement is that land of the petitioners was assessed on the basis of the revenue record and accordingly they were paid compensation @ ₹2.50 crores per acre. As regards the report submitted by the Patwari Halqa, Khanauri, and consequent order dated 11.9.2017 passed by the competent authority, it is maintained that same has since been withdrawn vide letter No. 491/development dated 25.10.2017. Learned State counsel submits that for the veracity of the report dated 15.3.2016 was an issue, an enquiry has been initiated against the Patwari Halqa, Khanauri.

Be that as it may, the question whether a part of the land holding of the petitioners was indeed situated within 100 feet of the existing road or beyond cannot be determined in the current proceedings. Thus, in the given situation, it would be apposite to refer to the provisions of Section 3G (5) of the Act, which reads as under:-

3G. Determination of amount payable as compensation

(5) if the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the

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parties, be determined by the arbitrator to be appointed by the Central Government.

In conspectus of the above, the grievance, if any, the petitioners have either against the award dated 31.10.2014 or the amount of compensation assessed/determined by the competent authority, the remedy is by moving an appropriate application in terms of the afore-indicated provision of the Act. Significantly, the averments set out in para 8 of the petition itself reveals; **that the petitioners have also filed an application under Section 3 (g) (5) to the respondent No.4 for making the reference to the Arbitrator for determining the amount in respect of the land acquired on National Highway No.71 on dated: 17.02.2016, but nothing has been done till date by the respondent No.4 either on the application dated: 11.02.2016 filed by the petitioners or on the application filed under Section 3 (G) (5).**

In the wake of the above, no interference is indeed warranted in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India. However, respondent No.4 is directed to refer the dispute to the arbitrator in terms of Section 3G (5).

The petition is disposed of in the above terms.

6.11.2017
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No