

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6664 of 2016 (O&M)
Date of decision: 8.2.2017

Harwinder Singh

.. Petitioner

v.

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Birinder Singh Khehar, Advocate for the petitioner.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Ms. Harleen Kaur, Assistant Advocate General, Punjab.

...

Rajesh Bindal J.

The petitioner has approached this court seeking a direction to respondent No. 2 to refer the dispute regarding entitlement of compensation on account of acquisition of land under National Highways Act, 1956 (for short, 'the Act') with respondents No. 3 to 58 to court. The application filed by the petitioner under Section 3H of the Act has not been referred to by the competent authority under the Act to the Principal Civil Court of original jurisdiction for decision of the dispute.

The claim set up by the petitioner is that prior to the acquisition of land, he had agreement to sell executed by the private respondents in his

in favour. Even a civil suit filed by the petitioner seeking declaration as owner

of the property in dispute is also pending, in which private respondents are the defendants.

As Section 3H of the Act provides that in case of any dispute is raised regarding entitlement of compensation, the matter is to be referred by the competent authority to the Principal Civil Court of original jurisdiction, in our view, the needful was required to be done by the competent authority, which has not been done. Let the matter be now referred to the court concerned. The amount of compensation lying with the competent authority of the land in dispute be also deposited in court. Whosoever is finally entitled, shall receive the same. The learned court below, where amount is deposited by the competent authority, shall keep the same in a bank in fixed deposit for the period fetching maximum rate of interest. The needful shall be done by respondent No. 2 within four weeks.

The petition stands disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

8.2.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No