

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

CWP No. 962 of 2017 (O&M)

Date of decision : 31.5.2017

Bachittar Singh and others

.. Petitioners

versus

Union of India and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mrs. Justice Sneh Prashar**

Present: Mr. Charanpal Singh Bagri, Advocate, for the petitioners.
Mr. Raghujeet Singh Madan, Advocate, for respondent No.2.
Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Asstt. Advocate General, Punjab.

Rajesh Bindal, J.

This order will dispose of four petitions bearing CWP Nos.962, 1027, 1036 and 1116 of 2017, as common questions of law and facts are involved therein.

The petitioners herein have filed the present petitions seeking direction to the respondents to pay compensation in terms of the award dated 23.6.2015 passed by the competent authority determining the amount of compensation on account of acquisition of land for the purpose of widening of NH-5 (new) in District Fatehgarh Sahib.

Learned counsel for the petitioners submitted that whatever amount of compensation was determined by the competent authority for the land pertaining to the neighboring villages, the same has either been paid to

the landowners or has been deposited by the National Highway Authority of India (for short, 'the NHAI') with the competent authority for disbursement to the landowners. However, only the petitioners are being discriminated, whose land is falling in the revenue estates of villages Jatana Ucha, Jatana Niwan, Manderan, Ranwan, Sanghol, Manpur, Pollomajra.

Learned counsel for the NHAI submitted that the award being not acceptable to the NHAI, application under Section 3G(5) of the National Highways Act, 1956 has been filed. The matter has been referred to the Arbitrator. Proceedings are pending. In case, the amount is reduced by the Arbitrator, the interest of the NHAI deserves to be protected. However, he could not dispute the fact that the award announced by the competent authority has not been challenged by it for other villages even though the amount of compensation awarded is same.

Learned counsel for the State submitted that immediately after the amount is deposited by the NHAI with the competent authority, the amount shall be disbursed to the concerned landowners, after determining their entitlement. The amount so determined shall be transferred in the Bank accounts of the landowners, the particulars of which may be taken along with identity proof.

After hearing learned counsel for the parties, in our opinion, the NHAI cannot discriminate in deposit of compensation for acquisition of land. It is admitted position that same amount of compensation determined for neighbouring villages has been paid. NHAI is directed to deposit the compensation with the Competent Authority for disbursement to the landowners. The needful shall be done upto 15.7.2017. Needless to add that the parties shall be bound by the award passed by the Arbitrator or the Court

determining value of the acquired land finally.

The petitions stand disposed of accordingly.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

31.5.2017
sharmila

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