

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

RFA No.1920 of 2017(O&M)
Date of decision: 19.05.2017

Sarup Singh

... Appellant

Versus

Haryana State and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vivek Khatri, Advocate for the appellant.

ARUN PALLI, J. (Oral)

The claimant is in appeal against the judgment rendered by the Reference Court, dated 21.04.2017.

The acquired land, comprised in khewat Nos.123 and 339, was concededly owned by late Vijay Singh s/o Lachman Singh. Lachman Singh father of deceased Vijay Singh had five sons, namely, Lekh Ram, Fateh Singh, Nimbu Ram, Phul Singh and late Vijay Singh. The appellant is the son of Lekh Ram i.e. one of the brothers of Vijay Singh and respondents No.4 & 5 are the other two brothers of the deceased. And respondent No.6 are the LR's of late Phul Singh. Vijay Singh purports to have died issueless. For, there was a dispute as regards the inheritance of late Vijay Singh between the appellant and the private respondents, the competent authority deposited the requisite compensation with the learned District Judge, Hisar under Section 3H(4) of the National Highways Act, 1956. The appellant approached this Court vide Civil Writ Petition No.27333 of 2015, for seeking a direction to the authorities to release the entire compensation in his

favour. The stand set out by respondent No.4 i.e. Land Acquisition Collector, was that the compensation i.e. ₹ 6,53,690/- could not be released to the appellant as there was a dispute qua his entitlement with the other heirs of late Lachman Singh. As a result, the entire amount was deposited with the learned District Judge, Hisar.

This Court, vide order dated 25.10.2016 (Annexure A-1), disposed of the matter by passing the following order:

“4. In the event of any dispute as to the apportionment of compensation amount, the only recourse is to refer the dispute to the Principal Civil Court of original jurisdiction as per Sub Section (4) of Section 3-H of the Act. Since such a recourse has been adopted by the Land Acquisition Collector, Hisar though belatedly, the only direction that can be issued in the instant case is to direct the learned Civil Court to make an endeavour to resolve the dispute as early as possible and preferably within six months. Till such time, the compensation deposited by the Authority may be kept in FDR in a nationalized Bank so that the interest which would accrue thereupon can also be released to the parties who is/are found entitled to the same.”

Concededly, the dispute as regards the inheritance of late Vijay Singh is pending before the Civil Court. It is not disputed either that the appellant is propounding a Will dated 04.08.1981 that is alleged to have been executed in his favour by the deceased. For, the Civil Court is in seisin of the dispute, the Reference Court disposed of the matter with the

observation that compensation shall be released in terms of the decree that shall be passed by the Civil Court or to a party that shall be held entitled to the inheritance of the deceased Vijay Singh. The Division Bench of this Court while disposing of the matter had observed; that the compensation deposited by the authorities be kept in FDR in a Nationalized Bank so that the interest that would accrue thereupon can be released to the parties who is/are found entitled thereto. The said arrangement continues to be in operation. Learned counsel for the appellant could not point out that despite the matter as regards the inheritance of late Vijay Singh being subjudice before the Civil Court, the compensation could be released or the Court below could decide upon the validity of Will being propounded by the appellant.

In conspectus of the above, no interference is warranted in the impugned judgment. The appeal being devoid of merit is accordingly dismissed.

May 19, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO