

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

CWP No.1864 of 2018 (O&M)

Date of Decision:30.01.2018

Harbans Lal Gupta.

.... Appellant(s).

Versus

Union of India and others.

....Respondent(s).

CORAM: HON'BLE MR.G.S.SANDHAWALIA

Present: Mr.Som Nath Saini, Advocate for the petitioner(s).

G.S.SANDHAWALIA, J. (ORAL)

The present writ petition has been filed for making a reference to the competent court of law for deciding the dispute regarding the payment of compensation for the land acquired under Section 3-A of National Highway Act, 1956. Mr.Saini has vehemently argued that there is a dispute amongst the co-sharers therefore, the matter should have been referred by the competent authority for the decision by the principal civil court of original jurisdiction. It is submitted that there was legal opinion as such in favour of the petitioner that the matter should be referred to the reference court. However, nothing could be shown whether the specific application has been filed to the competent authority under Section 3H-(4) which reads as under:-

“If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the

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dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.”

It is settled principle that the writ of mandamus is only to be issued in case the parties have approached for further necessary relief and if there is in action on the part of the respondents. The reference to letter dated 22.06.2015 and 27.07.2015 (Annexure P-7 and P-8) only go on to show that these are communication as such regarding the dispute as such which has arisen between the parties and the competent authority has said that no further action can be taken at his level.

In spite of the period of more than 2 years having elapsed thereafter nothing could be shown that whether a specific application was filed under the relevant provision before the competent authority for the necessary relief. Thus in view of such circumstances the writ petition is not maintainable at this stage In view of the above observation, the same is dismissed in limine.

January 30, 2018
raman

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No