

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

**CWP No.24225 of 2018 (O&M)
Date of Decision:25.10.2018**

Lakhvir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Arun Bansal, Advocate
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

CM-14646-CWP-2018

Application under Section 151 of CPC for placing on record copy of civil suit filed by the petitioner as Annexure P-6, is allowed subject to all just exceptions. The same is taken on record. Office to tag the same at appropriate place.

CM stands disposed of.

CWP No.24225 of 2018

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to respondent Nos.3 and 4 to take a decision qua interim relief and for releasing of the compensation in view of acquisition which has been made under the National Highways Act, 1956 (for short 'the Act').

A perusal of Annexure P-6 which is civil suit filed against some of the private respondents and others in which petitioner was also arrayed as plaintiff No.3 would go on to show that plaintiffs are in

possession on account of mortgage for the last more than 60 years and defendants No.3 to 10 failed to redeem the land and therefore, in such circumstances, they have also sought relief that compensation may not be disbursed without rendition of accounts.

It is thus apparent that the dispute qua apportionment as such is existing between the parties who are owners of land and thus, are in possession. Section 3H(4) of the Act reads as under:

“3H. Deposit and payment of amount.

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

Thus, there is apparently alternative efficacious remedy available to the petitioners and it is a matter of disputed facts which have to be gone into.

Faced with this situation, counsel for the petitioner prays for liberty to withdraw the present writ petition, to avail his remedy before the competent Court of original jurisdiction.

Ordered accordingly, with the liberty aforesaid.

25.10.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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