

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

**Civil Writ Petition No.27305 of 2017
Decided on : 16.01.2018**

Mandeep Nain and another

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Vineet Jakhar, Advocate
for the petitioners.

Ms. Safia Gupta, AAG, Haryana.

Ms. Sonia Madan, Advocate
for respondents No.3 & 5-NHAI.

G.S. Sandhawalia, J. (Oral)

The petitioners seek quashing of the notice dated 16.11.2017 (Annexure P-4), whereby respondent No.3-District Revenue Officer-cum-Competent Authority (NH-65), Jind issued show cause notice to remove the building from the acquired land within 15 days, failing which building would be demolished.

The writ petition is based on the ground that there was violation of National Highways Act, 1956 and respondents be directed to deposit the amount determined by the Central Government and to grant solatium of the house to the petitioner which has been acquired by respondent No.3 and not to demolish the house during the pendency of the present writ petition. Further direction has been sought for decision of the arbitration proceedings in a time bound manner.

Admittedly, the awards in question have been passed on

30.09.2016 (Annexure P-1) and 21.04.2017 (Annexure P-2), which show that in pursuance of the notification of the Government of India, the Ministry of Shipping, Road Transport and Highways, the notification was issued for widening/four-laning of the Kaithal-Narwana Section on the National Highway No.65 & 152. The compensation has, accordingly, been assessed and 100% solatium has also been granted of ₹69,30,000/- in award dated 30.09.2016 and of ₹27,63,750/- in the award dated 21.04.2017.

Counsel for the petitioners also could not dispute the said factum.

The case of the respondent No.3 is that the petitioner was informed on 05.06.2017 to come present alongwith his bank pass-book and photocopy of IFSC Code, so that the compensation should be deposited in the share of the acquired land. The letter had been received by the father of the petitioner, but he had never approached the respondents, but he had rather filed writ petition. It has further been mentioned that the other land owners had already collected the amount of compensation assessed by the respondents.

It is a matter of record that, thereafter also vide letter dated 05.06.2017 (Annexure R-5/2) the petitioner No.1 had been informed that a supplementary award pertaining to the residential house, fruit and non-fruit bearing trees, tubewell and handpump would be pronounced on 13.06.2017 and he was asked to bring his bank pass-book and copy of the IFSC Code.

It is the case of the respondent No.3 that the land had been acquired for building (widening/four-laning etc.) maintenance, management and operation from KM 10.800 to KM 0.000 (Kaithal-Narwana section) on the NH-152 and KM 121.400 to KM 145.230 (Narwana-Surewala) on the NH-65 in Jind. The details of the award were also mentioned. It has further been mentioned that the other land owner had already collected the amount of compensation.

The photocopy of the supplementary award pronounced on 13.06.2017 has also now been placed on record which is marked as (Annexure R-3/3), which is for a sum of ₹58,72,166/-.

Counsel for the respondent-NHAI has clarified that the said amount was also deposited and approval was given for deposit of the said award on 22.05.2017 for the said sum i.e. (₹3,03,076/-+58,72,166) amounting to ₹61,75,242/-. The said document is also taken on record as Annexure R-3/4.

It is, thus, apparent that due amounts have already been deposited and it was always open to the petitioners to collect the same amount of compensation from respondent No.3.

It is not disputed that now the amounts have also been credited in the account of the petitioners on 12.01.2018.

Accordingly, the petition as such for grant of solatium and direction to deposit the amount has been rendered infructuous and ancillary prayer not to demolish the house and the challenge as such thus cannot survive, once the petitioner has received the amount of

compensation after due deposit in pursuance of the declaration of vesting in the Central Government.

Regarding the issue to decide the arbitration proceedings in a time bound manner, nothing has been shown that a application has been filed under Section 3G (5) of the National Highways Act, 1956 that the amount which has been determined under sub-Section 1 and 2 is not acceptable and, therefore, no such directions can be issued to the arbitrator for the necessary relief.

Accordingly, there is no merit in the present writ petition and same is dismissed.

JANUARY 16, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No