

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

**Civil Writ Petition No.4629 of 2018
Decided on : 03.04.2018**

Chatar Singh and others

... Petitioners

Versus

National Highway Authority of India and others

... Respondents

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

Present : Mr. Subhash Rana, Advocate for
Mr. Sanjeev K. Panwar, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition to the Award dated 06.04.2016 (Annexure P-1) passed by the Arbitrator-cum-Additional Deputy Commissioner, Palwal and prayer for release of the solatium and interest in view of the fact that the land was acquired under the National Highways Act, 1956.

At the outset, counsel submits that the case is covered in view of the judgment passed in **CWP No.29431 of 2017 'Phool Singh Vs. National Highway Authority of India and others'** and other connected cases decided on 12.03.2018, whereby it was left open to the petitioners to seek their alternative remedy. The relevant portion of the said judgment reads as under:-

“As noticed, the remedy would be under Section 3G(5), to the Arbitrator, firstly and thereafter, if not satisfied, to the District Judge, in view of the provisions of the 1956 Act. Once having done so, the landowners, as such, cannot be permitted to shift the track and approach this Court now claiming that solatium and interest

have not been paid. It is to be noticed that the argument, as such, was also raised before the Arbitrator regarding the said claim, which would be clear from para 13 of the award of the Arbitrator. If the amount has not been awarded, as such, the land-owners have always an opportunity of impugning the award, in accordance with law. The Writ Court, as such, cannot be approached, in view of the fact that there is a specific statutory remedy available. It is settled principle that once there is an alternative and efficacious remedy available, the Writ Court cannot be approached, at the first instance.”

Accordingly, keeping in view the above, the present writ petition is also disposed of with the same liberty to the petitioners.

APRIL 03, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No