

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6406 of 2018 (O & M)

Date of decision: 15.03.2018

Sukhram and others

....Petitioner(s)

Versus

National Highway Authority of India and others

...Respondent(s)

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

Present: Mr. Ravi Malik, Advocate,
for Mr. Sanjeev Kumar Panwar, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the award dated 02.09.2015 (Annexure P-1) passed by the Arbitrator-cum-Additional Deputy Commissioner, Palwal under the National Highway Act, 1956 (in short 'the Act') whereby, a sum of Rs.62,00,000/- per acre has been granted. The benefit of solatium and interest is claimed on the strength of the judgment of the Division Bench in *M/s. Golden Iron and Steel Forgings vs. UOI and others, 2011 (4) RCR (Civil) 375*.

Counsel for the petitioners could not dispute the fact that this Court, in similar circumstances in *CWP No. 29431 of 2017, Phool Singh vs. National Highway Authority of India and others*, decided on 12.03.2018, has relegated the land owners to their alternative remedy before the Civil Court of original jurisdiction under Section 3G(5) read with the provisions of the Arbitration and Conciliation Act, 1996 whereby, the parties are free to approach the Civil Court of original jurisdiction in the district.

In the present case also, the impugned award of the Arbitrator would go on to show that the earlier awards passed by the competent authority had been set aside by the Court of the District Judge on two occasions. Therefore, if the petitioners have any grouse, it is always open to them to avail their remedy again and they cannot be permitted to change the Forum as such for their convenience and approach this Court under the writ jurisdiction.

Accordingly, the present writ petition is disposed of with liberty to the petitioners to avail the alternative remedy in accordance with law.

15.03.2018
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No