

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

**213**

**Civil Writ Petition No.18391 of 2019  
Decided on : 20.01.2020**

Dalbir Singh

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present : Mr. R.K. Choudhary, Advocate  
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana  
for respondents No.1 to 4.

Mr. D.S. Dadwal, Advocate  
for respondents No.5 to 13, 17 & 28.

Mr. H.S. Gharoo, Advocate for  
Mr. Amit Kumar Goyal, Advocate  
for respondents No.6 to 9, 11, 12, 20 & 25.

Mr. Ramesh Goyat, Advocate  
for respondents No.10, 18, 21, 22 & 27.

**G.S. Sandhawalia, J. (Oral)**

The present writ petition under Articles 226/227 of the Constitution of India has been filed for not releasing the compensation of the land belonging to the petitioner and respondents No.5 to 28, which had been acquired under the National Highways Act, 1956 (for short '1956 Act').

The claim is that the partition application is pending before the Revenue Courts at Sonipat.

On 10.07.2019, the following order was passed:-

*“Inter alia* submits that application has been filed for no

disbursing the amount of compensation on account of partition proceedings having been preferred (Annexure P-4) and representation dated 24.12.2018 (Annexure P-6) having been made. It is, accordingly, submitted that instead of referring the matter to the Civil Court, respondent No.4, vide communication dated 03.01.2019 (Annexure P-7) has asked for an order of *status quo* so that distribution of compensation amount can be stayed. It is, thus, submitted that in such circumstances, the distribution of compensation is liable to be stayed, in view of Section 3H(4) of the National Highway Act, 1956.

Notice of motion for 20.09.2019.

In the meantime, in case the amount of compensation has not been disbursed, same shall be kept in Fixed Deposit Receipt, to earn highest rate of interest, till further orders.”

In pursuance of the notice of motion order, the State has now filed written statement, on behalf of respondents No.1 to 4, by submitting that on account of the inter se dispute between the parties, the issue of apportionment has been referred to the Civil Court of competent jurisdiction at Sonipat on 03.01.2020 (Annexure R-1). The compensation has also been forwarded to the said Court in the form of an fixed deposit receipt amounting to ₹1,96,72,187/- (Annexure R-2).

Written statement on behalf of respondents No.10, 18, 21, 22 & 27 has also been filed.

Keeping in view the above and the fact that under Section 3H (4) of the 1956 Act the matter is to be referred to the Principal Civil Court of Original Jurisdiction, in case of a dispute regarding apportionment, the present writ petition has been rendered infructuous.

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The amount which has been kept in a fixed deposit receipt shall be continued in the same, till the decision of the application by the Civil Court, to earn the highest rate of interest.

Disposed of, accordingly.

**JANUARY 20, 2020**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No