

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-19267-2018

Date of Decision: December 15, 2020

JANG BAHADUR GUPTA

..... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manish Jain, Advocate
for the petitioner.

Mr.Lokesh Narang, Advocate
for respondents no.1 & 2 – Union of India.

Mr. D.K. Singal, Advocate
for NHAI.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Present writ petition has been filed by the petitioner for issuance of direction to the respondents to decide a representation dated 02.12.2015 (Annexure P-3), submitted by the petitioner before SDM, Hoshiarpur for assessment and award of proper compensation to the petitioner for land belonging to him.

It is not in dispute that vide notification dated 02.11.2015 (Annexure P-2) under Section 3A of the National Highways Act, 1956

(hereinafter referred to as 'the Act'), land as described therein, was acquired by the Ministry of Road Transport and Highways for widening/four laning of the national highway no. 70, on the stretch of land from km. 25.200 to km. 59.000 (Jalandhar – Hoshiarpur Section) in District Hoshiarpur. It is submitted that the original owner of land in question had sold the property to the petitioner in June 1997 and mutation in this respect was entered on 22.07.1997. It is further not in dispute that after issuance of above said notification, award assessing compensation to be paid to the land owners was passed by the SDM, Hoshiarpur on 27.04.2016. The petitioner admittedly filed an application under Section 3(G) of the Act, before the Commissioner, Jalandhar Division, Jalandhar, exercising the powers of Arbitrator, for enhancement of the awarded compensation. Therefore, question of decision of petitioner's representation dated 02.12.2015, seeking assessment and award of proper compensation, does not arise.

A perusal of this file reveals that notice of motion was issued on a limited aspect i.e. contention of the petitioner that question of enhancement of compensation has not been decided by the Arbitrator. It is brought to my notice that the matter has still not been finalized by the Arbitrator. Respondent-NHAI has taken a stand in the present writ petition that it is not a necessary party as the management, supervision and maintenance of the stretch in question has been entrusted to respondent no.2. - the Executive Engineer, Central Works Division PWD (B&R) Branch, Hoshiarpur. It is noticed that in the petitioner's application for enhancement

attached as Annexure P-10 with this petition, Union of India - Department of Road Transport and Highways is impleaded through Chairman of NHAI, New Delhi. It is further brought to my notice that a reply has also not been filed before the Arbitrator till date.

Learned counsel for Union of India, however, assures that the matter shall be properly pursued before the Arbitrator on behalf of Union of India, Department of Road Transport and Highways and there is no objection in case, the matter before the Arbitrator is decided in a time bound manner.

Keeping in view the fact that the matter is hanging fire since 2017, it is directed that application under Section 3(G) of National Highway Act, 1956, Annexure P-10, filed by the petitioner be decided expeditiously and preferably within three months from the date of receipt of certified copy of this order, in accordance with law. It is made clear that there is no expression of opinion on the merits of the case or on any incidental issues which may arise/have arisen under the Arbitration Act.

The writ petition is accordingly disposed of.

15.12.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No