

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

229

CWP-5044-2021 (O&M)

Date of decision: 27.09.2021

ATMA SINGH

..Petitioner

Versus

UNION OF INDIA AND OTHERS

..Respondents

CWP-4905-2021 (O&M)

AVTAR SINGH AND ANR.

..Petitioners

Versus

UNION OF INDIA AND OTHERS

..Respondents

CWP-6630-2021 (O&M)

GURJEET SINGH AND ANR.

..Petitioners

Versus

UNION OF INDIA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Manocha, Advocate for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.

Mr. RS Madan, Advocate for NHAI
(CWP No.5044, 6630 of 2021)

Mr. Anil Mehta, Advocate for NHAI (CWP No.4905 of 2021)

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on
account of restricted functioning of the Courts.

By this order, CWP No.5044, 4905 and 6630 of 2021 shall stand

disposed of. With the consent of learned counsel for the parties, the facts are taken from CWP No.5044 of 2021.

The petitioners pray for issuance of a writ in the nature of certiorari to quash the award dated 19.08.2020 passed by the competent authority for land acquisition under the National Highways Act, 1956, (hereinafter referred to as '1956 Act').

In order to utilise the land for widening the Chandigarh-Kharar-Ludhiana stretch of National Highway No.95, the Union of India issued a Notification on 18.06.2018 under Section 3A(1) of the 1956 Act. The competent authority vide award No.2 dated 05.10.2018 assessed the compensation @ Rs.2.25 crore per acre with respect to land situated in village Marauli Kalan. On the applications filed by the petitioners and the National Highway Authority of India, the matter was referred by the Central Government to the Arbitrator under Section 3G(5) of the 1956 Act. The Arbitrator vide an award dated 03.03.2020 set aside the award passed by the competent authority for land acquisition and directed it to pass a fresh award. A fresh award has been passed on 19.08.2020 assessing the compensation @ Rs.85 lakh per acre. The aforesaid amount has been deposited. The petitioners have filed objections under Section 34 of the Arbitration and Conciliation Act, 1996, assailing the correctness of the award passed by the

Arbitrator on 03.03.2020 wherein the matter has been remitted back to the competent authority by the Arbitrator.

The petitioners claim that the Arbitrator has assessed the compensation for the adjoining land owners at Rs.2.85 crore per acre whereas in the case of the petitioners, the matter has been remanded back to the Collector. He submits that the Arbitrator had no jurisdiction to remit the matter back to the competent authority. He further submits that the competent authority has passed the award on 19.08.2020 without giving an opportunity of hearing to the petitioners.

On the other hand, the learned counsel for the respondents contends that due to the aforesaid dispute, the work of extending the National Highway has come to a stand still as the petitioners are refusing to handover the possession. He submits that the petitioners can be permitted to withdraw the amount assessed by the competent authority vide award dated 19.08.2020 and the remaining matter can be decided by the Court where objections under Section 34 of the 1996 Act are pending. Moreover, he has stated that NHAI is disputing the correctness of assessment made by the competent authority as well as the Arbitrator in the case of other owners and for that purpose, it has already filed objection petitions under Section 34 of the 1996 Act.

Learned counsel for the petitioners contends that the petitioners have already suffered due to an erroneous decision of the Arbitrator.

After having heard the learned counsel for the parties at some

length, this Bench is of the considered view that the work of widening of the National Highway cannot be stopped merely to ensure proper payment to the land owners. It is not in dispute that the various objection petitions filed by the petitioners in all these writ petitions under Section 34 of the 1996 Act, are pending before the Court of learned Additional District Judge, Rupnagar. No doubt, the petitioners do have a genuine grievance as the owners of the adjoining land have been held entitled to market value @2.25 crore per acre whereas the petitioners are being offered only Rs.85 lakh per acre. However, since the matter is pending before another Court, it is not considered appropriate to finally opine on the matter.

Keeping in view the aforesaid facts, the writ petitions are disposed of with the observations that the petitioners can withdraw the amount deposited by the National Highway of India @ Rs.85 lakh per acre along with interest and other statutory benefits, as an interim measure subject to the final decision of the Court. Further, the Court of Additional District Judge, Rupnagar, is directed to decide the objection petitions filed under Section 34 of the 1996 Act within a period of 3 months positively. This arrangement has been made in the public interest and any observation made by the Court shall not be construed as an expression of opinion on the merits of concerned cases.

All the pending miscellaneous applications, if any, are also

disposed of.

27.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE