

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 18233 of 2021

Date of Decision: 14.09.2021

M/s Indian Oil Corporation Limited

... Petitioner(s)

Versus

National Highways Authority of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Kapoor, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner-Indian Oil Corporation Limited prays for issuance of a writ in the nature of mandamus directing the respondents to pay an amount of ₹ 95,44,000/- to it.

2. The Indian Oil Corporation Limited, after taking on lease the land measuring 16 kanals & 11 marlas for a period of 33 years, developed a Fuel Station. Thereafter, the Fuel Station was permitted to be run by Satish Kumar. It is claimed that the land measuring 5 kanals & 13 marlas, out of the aforesaid 16 kanals & 11 marlas of land, was acquired under the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”). It is not in dispute that the owner has been paid the entire compensation. The petitioner claims compensation for the lease hold rights.

3. The 1956 Act is a complete code which enables the interested persons to apply for the appointment of an Arbitrator under Section 3G(5).

The 1956 Act also makes a provision for determining the dispute with regard

to the apportionment of the amount between the various claimants or any person to whom the same or any part thereof is payable. It is not in dispute that the petitioner has not availed the aforesaid remedies.

4. Keeping in view the aforesaid facts, the petitioner is relegated to the remedies available under the 1956 Act.

5. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

September 14, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No