

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

**CWP-11276-2021(O&M)
Date of decision: 12.07.2021**

Harjinder Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.M.K.Dhot, Advocate, for the petitioner

Mr. Abhishek Gaind, Advocate for NHAI

Ms. Kanica Sachdeva, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

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

On 30.06.2021, the following order was passed by this Court:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel representing the petitioner contends that an application filed under Section 3(H)(4) of the National Highway Act, 1956, seeking a reference to the court for decision on the apportionment of compensation submitted to the competent authority-cum-Sub Divisional Magistrate, Patran, has not decided. He submits that as per the aforesaid provision, the competent authority is required to refer the matter to the Principal Civil Judge of the District.

Ms. Kanica Sachdeva, AAG, Punjab, enters appearance on behalf of the competent authority i.e respondent no. 4 and prays for a short adjournment to get complete instructions.

Adjourned to 02.07.2021.

To be listed in urgent.”

Thereafter, on 09.07.2021, the following order was passed by this Court:-

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

Reply filed on behalf of respondent no. 2, 4 and 5 is taken on record.

List on 12.07.2021 for final disposal, in urgent.

Learned State counsel has been apprised of the opinion formed in two Division Bench judgments of this Court i.e '**Nirmal Singh vs. UOI and others**' decided on 11.11.2011 and '**Ram Sarup and others vs. UOI and others**' decided on 12.05.2016 and in the meantime, she may go through the same.”

Ms. Kanica Sachdeva, AAG, Punjab, on instructions from the competent authority has stated that the reference to the Principal Civil Court of the District in terms of application under Section 3H(4) of the National Highways Act, 1956, shall be made within a period of two weeks.

Through this writ petition, the petitioner prays for quashing

of the order passed by the competent authority on 31.05.2021. The dispute is with regard to the apportionment of the amount of compensation between the co-sharers.

Once the competent authority has undertaken to refer the matter to the decision of the Principal Civil Court of the District in terms of Section 3H (4) within 15 days, no further order is required to be passed.

Disposed of.

All the pending miscellaneous applications, if any, also stand disposed of.

12.07.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No